



WEB COPY



W.P.No.6394 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6394 of 2024

K.Shanthi

...Petitioner

-Vs-

1.The Joint General Manager (HR)
Airports Authority of India, Chennai Airport
Chennai -27.

2.The Senior Manager (HR)
Airports Authority of India, Chennai Airport
Chennai -27.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to disburse terminal benefits including family pension and other benefits along with its interests on the death of the petitioner's husband namely P.Kaliyamoorthy to the petitioner and based on petitioner's representation dated 21.12.2023 and 22.02.2024.

For petitioner

: Mr.R.Nalliyappan



W.P.No.6394 of 2024

ORDER

This writ petition has been filed for direction to the respondents to disburse the terminal benefits including family pension.

2. The petitioner got married with one P.Kaliyamoorthy and gave birth to one male child. Thereafter, due to misunderstanding between them they got separated and the said P.Kaliyamoorthy filed petition for dissolution of their marriage in H.M.O.P.No.78 of 2001 on the file of the Principal Sub Judge, Mayiladudurai. The same was decreed in his favour and the marriage between the petitioner and the said P.Kaliyamoorthy was dissolved by the Judgement and Decree dated 26.03.2002. Thereafter, the said P.Kaliyamoorthy had worked as General Manager in the office of the respondents and retired from service in the year 2020. Thereafter, the said P.Kaliyamoorthy died on 19.12.2022 in a road accident. Now, the petitioner submitted representation claiming terminal benefits and family pension on the demise of the said P.Kaliyamoorthy on the ground that after judgement and decree of divorce the petitioner filed petition for set aside the ex-part decree and the same was allowed. However, the petitioner failed to produce



W.P.No.6394 of 2024

any documents to show that the judgement and decree passed in

H.M.O.P.No.78 of 2001 dated 26.03.2002 was set aside.

3. Once Judgement and decree passed, it is a decree of Court either it is exparte or contested. That apart, even according to the petitioner, the said P.Kaliyamoorthy retired from his service in the year 2020 and he had died in a road accident only on 19.12.2022. Immediately, after his retirement, all the terminal benefits were paid to him. Only in respect of family pension, now the petitioner submitted representation. Therefore, if till the petitioner proved that the degree of divorce was set aside and thereafter they lived together as husband and wife, the petitioner is entitled only for family pension.

4. However, if the petitioner produce any relevant records to show



W.P.No.6394 of 2024

that the decree of divorce was set aside and the petitioner is the legally wedded wife of the said P.Kaliyamoorthy and lived together till his demise.

If the petitioner produce any records, then, on receipt of the same, the respondents are directed to consider the same and pass appropriate orders on merits in accordance with law.

5. Therefore, the prayer sought for in this writ petition cannot be considered. Hence, this writ petition is devoid of merits and liable to be dismissed. Accordingly, this writ petition is dismissed. No costs.

20.03.2024

Index : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
gvn



W.P.No.6394 of 2024

WEB COPY To

- 1.The Joint General Manager (HR)
Airports Authority of India, Chennai Airport
Chennai -27.
- 2.The Senior Manager (HR)
Airports Authority of India, Chennai Airport
Chennai -27.



WEB COPY



W.P.No.6394 of 2024

G.K.ILANTHIRAIYAN,J.
gvn

W.P.No.6394 of 2024

20.03.2024