



WEB COPY



W.A.No.2745 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2024

CORAM:

THE HON'BLE MR.D.KRISHNAKUMAR
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.A.No.2745 of 2024 and
C.M.P.No.20135 of 2024

S.Govindaraj @ Sathya

... Appellant/Petitioner

-VS-

1. The District Educational Officer,
O/o.District Educational Officer,
Krishnagiri-635 001.
2. Treasury Officer,
District Treasury,
Collector Office Campus,
Bangalore Road, Krishnagiri-635 001.
3. The Head Master,
Government Higher Secondary School,
Veppanapalli, Krishnagiri-635 121.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to allow the Writ Appeal by setting aside the order dated 29.01.2024 made by the learned Single Judge in W.P.No.8218 of 2022 and directing the respondents herein to release terminal benefits, provident fund and all dues of the petitioner's wife G.Subasini in GPF Number/CPS Number:7000251112 of Government Higher Secondary School, Veppanapalli.



W.A.No.21 of 2024

For Appellant : Mr.S.Vinod
For Respondents : Mr.U.M.Ravichandran
Spl. Govt. Pleader

J U D G M E N T

(By Hon'ble Acting Chief Justice)

This Writ Appeal has been filed, challenging the order dated 29.01.2024 made in W.P.No.8218 of 2022, in and by which, the Writ Petition was dismissed, holding that the Writ Petitioner is not the nominee of his deceased wife.

2. Mr.U.M.Ravichandran, learned Special Government Pleader takes notice for the respondents. By consent, the Writ Petition itself is taken up for hearing at the admission stage.

3. It is the case of the petitioner that he married to one G.Subasini on 09.04.2017 and his wife was working as B.T.Graduate Science Teacher. When she went to her parents' home, she suffered illness and died therein on 23.05.2021 on account of Covid-19. It is further case of the petitioner that prior to their marriage, she had included the names of her parents as nominees and had no occasion to change the same, pursuant to which, her parents had made claims on the terminal benefits, which were not paid to



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him on account of rival claims. By referring to Section 15 of The Hindu Succession Act, 1956, he had filed a Writ Petition for disbursement of the amount to him, which was dismissed by the learned Single Judge on erroneous consideration. Hence, the Writ Petitioner is before this Court, seeking to set aside the order of the learned Single Judge.

4. Learned Special Government Pleader appearing for the respondents strenuously contended that the entitlement of shares in respect of terminal benefits of a deceased employee had already been decided by the Apex Court in the case of *Vishin N.Khandchandani Vs. Vidya Lachmandas Khanchandani*, reported in 2000 (6) SCC 724, which has been followed by this Court in a catena of judgments. He further contended that remedy lies to the appellant only before the Civil Court to claim his share and he cannot invoke writ jurisdiction of this Court to sort out a civil dispute.

5. The judgment referred to by the respondents (supra) had been followed by one of us (ACJ), while sitting singly in W.P.No.2934 of 2010 decided on 16.12.2021 and held that if any dispute for withdrawal of terminal benefits arises amongst legal heirs of a deceased employee, the parties have to work their remedy only before the appropriate Civil Forum.

6. In view of the above settled legal position in the decisions cited supra, the



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dispute with regard to claiming the benefits of the deceased has to be agitated only before the competent Civil Court and those judgments are squarely covered to the facts of this case. Hence, we are not inclined to interfere with the order of the learned Single Judge and the Writ Appeal is liable to be dismissed.

7. Accordingly, ***this Writ Appeal is dismissed***. The appellant is at liberty to approach the competent Civil Court for redressal of his grievance. It is made clear that the period during which *lis* is pending before this Court can be excluded for the purpose of computing the limitation. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,ACJ.] [P.B.B,J.]
13.09.2024

Index: Yes / No
Internet: Yes / No
Speaking Order/Non Speaking Order
ar



W.A.No.27 of 2017

To:

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O/o.District Educational Officer,
Krishnagiri-635 001.
2. Treasury Officer,
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HON'BLE ACTING CHIEF JUSTICE,
AND
P.B.BALAJI,J.,
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