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W.P.No.16009 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.16009 of 2021 and
W.M.P.No.16922 of 2021

R.Shrividya

...

Petitioner

Vs.

1. The Life Insurance Corporation of India,
Rep. by its Zonal Manager,
Southern Zonal Office,
LIC Building, Anna Salai,
Chennai - 600 002.

2. The Senior Divisional Manager,
Life Insurance Corporation of India,
Chennai Division - I,
LIC Building, Anna Salai,
Chennai - 600 002.

3. The Tahsildar,
No.28, Greenways Road,
Raja Annamalaipuram,
Chennai - 600 028.

4. R.Anandhi

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 1st and 2nd respondent Corporation to settle 50% of the terminal benefits such as provident fund, gratuity, pension, GTIS and other benefits payable to the employees on their demise and to provide appointment under the Compassionate Appointment Scheme commensurate to her educational qualification, within a time frame to be fixed by this Court.

For Petitioner : Mr.V.Govardhanan
For Respondents
For R1 and R2 : Mr.R.S.Anandan
For R3 : Mr.M.Rajendran,
Additional Public Prosecutor
For R4 : Mr.R.Prem Narayanan

ORDER

The petitioner who claims herself as the daughter of the deceased LIC employee viz., P.Ravi born through the first wife B.Lakshmi, has filed the Writ Petition, claiming 50% of the death benefits of her deceased father.

2. Mr.V.Govardhanan, learned counsel for the petitioner submitted that the marriage between the petitioner's mother and father has been dissolved by virtue of the order of the Family Court dated 04.08.2005.



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Subsequent to the divorce, the deceased P.Ravi married the 4th respondent and her name has been nominated to receive the terminal benefits of the petitioner's father. The grievance of the petitioner is that the 4th respondent has got partial terminal benefits by not producing the legal heir ship certificate, by including the petitioner's name as well.

3. The learned counsel for the petitioner further submitted that she is entitled to get compassionate appointment as per the recruitment rules of the 1st respondent / Corporation.

4. Mr.R.S.Anandan, learned counsel for the respondents 1 and 2 submitted that they are ready to disburse the amount as per the nomination made by the deceased employee or as per the order of this Court.

5. Mr.R.Prem Narayanan, learned counsel for the 4th respondent did not deny the fact that the petitioner is the daughter of the deceased LIC employee P.Ravi.

6. Even though the 4th respondent might have nominated for



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receiving death benefits, ultimately the same should be shared between the legal heirs. Apart from the petitioner and the 4th respondent, there are no other claims with regard to the legal heirship of the deceased P.Ravi. If the petitioner and the 4th respondent are the legal heirs of the deceased, they are entitled to 50% of share each in the death benefits and the other settlements due to be paid by the respondents 1 and 2, subsequent to the death of P.Ravi. In fact, the petitioner also admits that her father had married the 4th respondent in the year 2007 and he died on 30.05.2021.

7. In such circumstances, I feel it is appropriate to issue the following directions:

- i. the respondents 1 and 2 are directed to to disburse of the entire death benefits of the deceased P.Ravi to the petitioner and the 4th respondent in equal terms on production of due legal heirship certificate obtained from the 3rd respondent within a period of six weeks from the date of furnishing the legal heirship certificate;
- ii. If any other payment had already been received by the 4th



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respondent, the amount can be set off, so as to constitute equal share in the 50% amount payable to both the petitioner and the 4th respondent;

iii. On receipt of the equal share of death benefits, the petitioner and the 4th respondent shall execute due discharge certificate for having received the death benefits of the deceased Ravi;

iv. Insofar as the claim of the petitioner regarding the compassionate appointment, it is up to the respondents 1 and 2 to consider the application of the petitioner given for compassionate appointment in accordance with the prevailing rules or schemes in this regard.

8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

05.01.2024

Index: Yes / No
Speaking order / Non-speaking order
vum

R.N.MANJULA ,J.



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