



W.P.No.43836 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2024

CORAM:

THE HONOURABLE DR. JUSTICE D.NAGARJUN

W.P.No.43836 of 2016
and
W.M.P.No.37662 of 2016

Mr.A.John Louis

...Petitioner

-Vs-

1.The Chairman Cum Managing Director,
NLC India Ltd.
Corporate Office, Block-1,
Neyveli, Tamilnadu.

2.The Chief General Manager,
NLC India Ltd.,
Human Resource Department (Mine-1),
Neyveli, Tamilnadu.

3.Anthonimary

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the respondents 1 and 2 to disburse the balance retirement and death benefits of his father S.Abraham to his legal heirs based on the representation of the petitioner dated 07.11.2016 and issue a direction and pass orders.



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For petitioner : Mr.V.M.Natraj
For R1 & R2 : Mr.Shabeer Ahmed
for Mr.N.Nithianandam
For R3 : No appearance

ORDER

This writ petition is filed seeking a mandamus directing respondents 1 and 2 to disburse the balance of the retirement and death benefits of his father, S.Abraham, to his legal heirs based on the representation of the petitioner dated 07.11.2016.

2. The learned counsel for the petitioner stated that the petitioner is the son of the 1st wife of the deceased employee. The 3rd respondent was the 2nd wife of the deceased employee. Subsequent to the death of the petitioner's mother, the deceased employee had married the 3rd respondent. Respondents 1 and 2 disburse gratuity to the 3rd respondent based on the nomination given by the deceased employee in favour of the 3rd respondent. In respect of the balance of retirement benefits, a dispute arose between the petitioner and the 3rd respondent. On 11.01.2024, it was reported by the learned counsel for the 3rd respondent that the 3rd respondent was no more, and despite all



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her efforts to bring the legal representatives of the deceased employee, she could not trace anybody. Therefore, it was reported that there is no claim on behalf of the 3rd respondent.

3. Today, 24.01.2024, when the matter is listed under the caption “For Orders”, there is no representation for the 3rd respondent. It appears that there are no legal heirs on behalf of the 3rd respondent, or even if there are legal heirs, they are not interested in coming forward to contest the case.

4. Learned counsel for respondents 1 and 2 would submit that respondents 1 and 2 are prepared to settle the rest of the balance amount and disburse it in favour of the legal heirs by following the due procedures prevailing in the corporation. The same is recorded.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, this Court directs respondents 1 and 2 to disburse the balance of the retirement benefits



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of the deceased employee by name, S.Abraham, to the legal heirs of the deceased employee by following the procedure known to law.

7. With the above direction, the writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

cda

24.01.2024



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To

- 1.The Chairman Cum Managing Director,
NLC India Ltd.
Corporate Office, Block-1,
Neyveli, Tamilnadu.
- 2.The Chief General Manager,
NLC India Ltd.,
Human Resource Department (Mine-1),
Neyveli, Tamilnadu.



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Dr.D.NAGARJUN.J,

cda

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