



W.P.No.25407 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.25407 of 2021 and
W.M.P.No.26833 of 2021

Mrs.A.Indirani

... Petitioner

Vs.

1.Chennai Port Trust,
Rep.by the Chairman,
Rajaji Salai, Chennai 600 001.

2.The Administrative Officer,
Administrative Office,
Chennai Port Trust,
Rajaji Salai, Chennai 600 001.

3.Mrs.G.Mallika

4.Subithra Gopalakrishnan

5.G.Shyam

(SI.Nos.4 & 5 are minors and represented by
their mother and natural guardian Mrs.G.Mallika,
the third respondent)

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of
India, to issue a Writ of Mandamus, to direct the second respondent to



W.P.No.25407 of 2021

disburse the petitioner's share of terminal benefits payable on the death of her son A.Gopalakrishnan as requested in her representation dated 06.09.2021.

For Petitioner : Mr.R.Sivaraman
For Respondents : Mr.M.Palanimuthu for RR1 & 2
Mr.Rajendran Raghavan for R3

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the second respondent to disburse the petitioner's share of terminal benefits payable on the death of her son A.Gopalakrishnan as requested in her representation dated 06.09.2021.

2. Heard Mr.R.Sivaraman, learned counsel for the petitioner, Mr.M.Palanimuthu, learned counsel for R1 & R2 and Mr.Rajendran Raghavan, learned counsel for R3.

3. One Arumugam who worked as Maistry in the first respondent Trust died in harness on 18.01.1985. The son of Arumugam by name Gopalakrishnan was appointed as Mazdoor on compassionate ground in the year 1991. The said Gopalakrishnan also expired on 24.05.2021 due to Covid-19 while in service. The deceased employee has nominated the



W.P.No.25407 of 2021

third respondent to receive DCRG and PF. The petitioner is the mother of Gopalakrishnan and she claimed that she is also a family pensioner of the Port Trust and requested to include her name also as the beneficiary to receive terminal benefits. However the terminal benefits was settled in favour of G.Mallika, the third respondent herein.

4. As per the pension regulations, there is no provision to share the terminal benefits of the deceased between the mother and wife. The petitioner who has filed this petition herself is a family pensioner in view of the death of her husband Arumugam who was an Ex-employee of the first respondent. As per the rules of the Chennai Port Trust (Pension) Regulations, 1987, the family pension will be payable at a prescribed rate to the family of the employee as follows:

"(i) To the family of an employee who died while in service after completing a continuous service of not less than one year

(ii) to the family of an employee in receipt of a pension including compassionate allowance who dies after retirement."



W.P.No.25407 of 2021

5. Since Gopalakrishnan died in harness, Regulation (i) would be applicable to his case. There is no quarrel on the point that the deceased Gopalakrishnan will be governed under the Pension Scheme. The relationship between the third respondent and Gopalakrishnan is also not denied. Even according to the petitioner, the third respondent is the wife of the deceased Gopalakrishnan. As per the regulations for the purpose of family pension, it does not include parents of the deceased employee.

6. In view of the above stated reasons, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

20.03.2024



W.P.No.25407 of 2021

WEB COPY

To

1.The Chairman,
Chennai Port Trust,
Rajaji Salai, Chennai 600 001.

2.The Administrative Officer,
Administrative Office,
Chennai Port Trust,
Rajaji Salai, Chennai 600 001.



WEB COPY



W.P.No.25407 of 2021

R.N.MANJULA, J.

gsk

W.P.No.25407 of 2021 and
W.M.P.No.26833 of 2021

20.03.2024