



W.P.No.25840 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.25840 of 2017

A.Thandavane

... Petitioner

Vs

**1.Union of India,
Represented by the Secretary to Government,
Department of Medicine,
Puducherry.**

**2.Medical Superintendent,
Indira Gandhi Government Hospital,
Puducherry.**

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to settle all the terminal benefits of the deceased wife of the petitioner viz. Dhanagandhimathi, in favour of the petitioner on the basis of the nomination submitted by the deceased during her lifetime on 01.12.2014 while she was in service and to pass further orders.

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For Petitioner : Mr.M.Gunasekar

For Respondents : Mr.R.Syed Mustafa
Special Government Pleader (Pondy)

ORDER

This Writ Petition has been filed to direct the respondents to settle all the terminal benefits of the deceased wife of the petitioner viz. Dhanagandhimathi, in favour of the petitioner on the basis of the nomination submitted by the deceased during her lifetime on 01.12.2014

2. Heard Mr.M.Gunasekar, learned counsel for the petitioner and Mr.R.Syed Mustafa, learned Special Government Pleader (Pondy) appearing on behalf of the respondents.

3. The petitioner herein claiming to be the husband of one Dhanagandhimathi who worked as a Staff Nurse in the second respondent's hospital, made a claim for terminal benefits consequent

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upon the death of the said Dhanagandhimathi. The said claim of the petitioner was not acceded to by the respondents. Hence, the petitioner approached this Court by filing the present Writ Petition seeking a direction to settle all the terminal benefits of his deceased wife and to pay the same in favour of the petitioner.

4. According to the learned counsel for the petitioner, the deceased employee, during her life time nominated the petitioner herein as her nominee in the service records of the second respondent.

5. The second respondent filed a counter affidavit by contending that there are certain multiple rival claims for payment of terminal benefits of the deceased employee. According to the respondents, one other person viz., P. Carounanandane is claiming to be the husband of the deceased and the parents of the deceased also made a claim for payment of the terminal benefits. Further, it is stated that the said alleged husband of the deceased also filed O.A.No.1589 of 2019 before

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the Central Administrative Tribunal, Madras Bench seeking for a direction to release all the terminal benefits of the deceased in favour of the said person. In terms of the order passed by the Central Administrative Tribunal, dated 29.11.2019, the second respondent considered the claim of the said person and passed a speaking order. In so far as claim of the petitioner herein is concerned, the respondents have not considered the same and no order has been passed so far.

6. In view of the same, this Court is of the considered view that it would be appropriate to direct the second respondent to consider the claim of the petitioner and pass appropriate orders on merits and in accordance with the law.

7. Accordingly, this Writ Petition is disposed of with the following directions:-

(i) The petitioner is granted liberty to submit a fresh representation within a period of two weeks from the date of receipt of a copy of this order.

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(ii) On receipt of such a fresh representation, the second respondent shall consider the same and pass appropriate order within the time as stipulated above on the date of submission of the said representation.

8. It is made clear that this Court has not examined the issue of the maintainability of the Writ Petition before this Court and also the objections raised by the learned counsel for the respondents on the issue of maintainability of the Writ Petition on the ground that the Central Administrative Tribunal, Madras Bench alone has jurisdiction to entertain the claim made by the petitioner herein, as this Court is not examined the matter on merits.

9. There shall be no order as to costs.

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gba
Index : Yes/No
Speaking order : Yes/No
Neutral Citations : Yes/No
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MUMMINENI SUDHEER KUMAR,J.

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