



W.P.(MD).No.1541 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1541 of 2021

1.R.Rengapriya

2.N.Madhubala

...Petitioners

Vs.

1.The District Educational Officer,
Tuticorin District.

2.The Block Educational Officer,
Karungalam at Seithunganallur,
Tuticorin District.

3.The Account General (A&E),
361, Anna Salai,
Tenampettai, Chennai.

4.R.Nagarajan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 3 to settle the terminal benefits of the petitioners' mother P.Krishnaveni, including family pension with all consequential benefits as per the proposal dated 10.01.2020.



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For Petitioners : Mr.V.Paneer Selvam
For R-1 and R-2 : Mr.M.Sarangan,
Additional Government Pleader
For R-3 : Mr.P.Gunasekaran
For R-4 : Mr.A.Senthilkumar

ORDER

The prayer of the writ petition is as follows:

This writ petition has been filed to direct the respondents 1 to 3 to settle the terminal benefits of the petitioners' mother P.Krishnaveni, including family pension with all consequential benefits as per the proposal dated 10.01.2020.

2. The facts and circumstances which led to the filing of this writ petition is as follows:

The petitioners are the daughters of one Krishnaveni. The petitioner's 1st husband name was Rajamohan, through whom the 1st petitioner was born. While so, the said Rajamohan died on 09.07.1996. Thereafter, she married the 4th respondent, through the 4th respondent, the 2nd petitioner was born. The said Krishnaveni was appointed as a Secondary Grade Teacher on 04.10.1996 in the Panchayat Union Elementary School,



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Keelapooovani. While in service, she died on 30.10.2019. In view of the same, the petitioners have made a representation on 10.01.2020 seeking to settle the terminal benefits of the deceased employee including family pension. Since the same was not considered, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner Mr.V.Paneer Selvam submitted that, though the 2nd petitioner was born through the 4th respondent, he is not the legally wedded husband of the deceased employee and the matter as to the legal heirs of the deceased employee has culminated in filing the civil suit and it is pending before the District Munsif, Srivaigundam in O.S.No.393 of 2021. He further insisted that, the petitioners are entitled to receive the eligible terminal benefits of the deceased employee in terms of the nomination made by the deceased employee in her service register and pressed for allowing the writ petition.

4. Relying upon the counter affidavit filed by the 2nd respondent, the learned Additional Government Pleader submitted that, there is a rival claim by the 2nd husband of the deceased employee and based on his complaint which he preferred to the Sub Collector, Thoothukudi, already the legal heir



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certificate issued to the petitioners came to be cancelled by the order of the Sub Collector, Thoothukudi District dated 07.11.2020 for issuing a fresh legal heir certificate. On production of the necessary documents, the Educational Authority is ready to forward the proposal to the Accountant General Office regarding the terminal benefits.

5. The learned counsel appearing for the 3rd respondent, Mr.P.Gunasekaran submitted that, it is only the husband who is entitled to receive the family pension of the deceased employee. As far as the instant case is concerned, the fact as to whether the 4th respondent is legally wedded husband of the deceased employee is yet to be decided and the same is pending before the District Munsif, Srivaigundam in O.S.No.393 of 2021. As far as the other terminal benefits is concerned, the petitioners are entitled to receive the same and it would be disbursed as per the nomination available in the service records of the deceased employee.

6. The learned counsel appearing for the 4th respondent, Mr.A.Senthilkumar pointed out that, from the details of family which is placed before this Court by the petitioners themselves in the typed set of papers and the details provided by the deceased employee in her service



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register, the fact that the 4th respondent has been clearly mentioned as husband in the column relationship with the officer would become palpable. In view of the same, he categorically contended that the 4th respondent is entitled to receive the family pension and his share in all the other terminal benefits.

7. Heard the learned counsels on either sides and carefully perused the materials available on record.

8. In view of the limited scope of relief sought for by the petitioners herein, this Court hereby direct the respondents 1 to 3 to consider the petitioner's representation dated 10.01.2020 and pass appropriate orders in terms of the nomination made by the deceased employee in her service register within a period of twelve (12) weeks and release the terminal benefits whatever is eligible to the respective legal heirs.

9. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

31.07.2024

NCC : Yes / No
Index : Yes / No



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L.VICTORIA GOWRI, J.

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