



W.P.(MD)No.21788 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.10.2024

CORAM

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.21788 of 2022

S.Thavamani

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Office,
Madurai North,
District Collectorate Campus,
Madurai.

3.The Senior Manager,
LIC of India Unit – 2 (752)
No.134, Mahal Road,
Madurai – 625001.

4.Malarvizhili

5.Thirunesh

6.Lakshmitha

... Respondents

*(R5 & R6 are represented through their
next friend/mother Malarvizhili)*



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent to disburse the eligible pensionary benefits to the petitioner, by considering the petitioner's representation, dated 06.08.2022.

For Petitioner : Mr.A.Vadivel

For R1 & R2 : Mr.M.Senthil Ayyanar
Government Advocate

For R3 : Mr.Godwin
Standing Counsel

For R4 to R6 : Mr.R.Sevugaraja

ORDER

The writ petition has been filed directing the third respondent to disburse the eligible pensionary benefits to the petitioner, by considering the petitioner's representation, dated 06.08.2022.

2. The case of the petitioner is that the petitioner has two children, namely, Pandiyarajan and Eswar. The petitioner's son was working as a Development Officer in the third respondent office and he was passed away on 12.07.2022, while in service. After the death of the petitioner's son, she and her husband have not able to maintain themselves and no one to take care of them.



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Hence, the petitioner sent a representation to the respondents, dated 06.08.2022 for disbursing the eligible pensionary benefits, but the same was not considered till date.

3. Aggrieved by the same, the petitioner has come forward with the present writ petition.

4. The learned counsel for the petitioner submits that the petitioner is the mother of the deceased employee, who passed away on 12.07.2022 and filed the present petition for directing the third respondent to disburse the pensionary benefits to her.

5. The learned counsel for the third respondent has filed counter affidavit, dated 15.12.2022. The relevant portion of the counter reads as under:

“5. I submit that the deceased employee has registered his wife Smt.G.Malarvizhi as nominee to receive terminal benefits. Accordingly, the terminal benefits were settled to the nominee, the fourth respondent on 06.09.2022 after due verification. The family pension shall be admissible to parents subject to the condition that the employee has not left behind widow, eligible son or daughter. The deceased has left his wife, son and daughter who have priority in claim for family pension. Hence the petitioner is not entitled for family pension. There is absolutely no merit in the writ petition.”



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

7. In the case on hand, the petitioner is the mother of the deceased employee. But the name of G.Malarvizhi, fourth respondent herein, who is the wife of the deceased employee is mentioned in the official records of the third respondent. According to the nomination, benefits have been settled to the fourth respondent on 06.09.2022. Hence, the claim of the petitioner cannot entertained for the reason that the family pension shall be admissible to the parents only subject to the condition that the employee has not left behind widow, eligible son or daughter.

8. In view of the above facts and circumstances of the case, the writ petition is liable to be dismissed and accordingly, the same is dismissed. No costs.

23.10.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
SN



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