



W.P.(MD).No.20068 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.20068 of 2023

and

W.M.P.(MD)No.16533 of 2023

R.Pavithra

... Petitioner

Vs.

1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

2.The Deputy General Manager,
State Bank of India,
Zonal Office, Ambedkar Road,
Madurai.

3.The Branch Manager,
State Bank of India,
Melaykkudi Branch,
Ramanathapuram District.

4.K.Murugesan

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to disburse the 50% State Government Salary Package Insurance Scheme of the petitioner's husband Late.M.Rajasekaran, (AR Emp No.2661) (Emp No.7216795), attached with Salary Account maintained with the third respondent under SB A/c.No.33179518683.

For Petitioner : Mr.S.Krishnan

For R-1 : Mr.J.Ashok
Additional Government Pleader

For R-2 and R-3 : Mr.C.Karthik

ORDER

Heard Mr.S.Krishnan, learned counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for the 1st respondent and Mr.C.Karthik, learned counsel for the 2nd and 3rd respondents.

2. The petitioner, who is the wife of the deceased Rajasekaran who was working as Constable and whose terminal benefits as against the State Government Salary Package Insurance Scheme is attached with the



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salary account of the deceased maintained by the third respondent Bank, had given a representation dated 09.08.2023 to the respondents seeking for disbursing 50% State Government Salary Package Insurance Scheme of her deceased husband. Since no action was taken, the present petition is filed.

3. Mr.C.Karthik, learned counsel appearing for the respondents 2 and 3 submitted that it is a dispute between the petitioner and her father-in-law, the fourth respondent herein. The fourth respondent has also made a counter claim stating that he alone is the legal heir of the deceased son and hence he is also entitled to the benefits.

4. Mr.J.Ashok, learned Additional Government Pleader appearing for the first respondent stated that the very same petitioner has filed another Writ Petition with a prayer to restrain from disbursing 50% of the contributed pension to the fourth respondent and the same is pending.

5. However, the fourth respondent claims that in the service book of the deceased Rajasekaran, the parents of the deceased were shown as



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nominee. But it is understandable that such nomination made by him is prior to his marriage. There is no dispute about the fact that the marriage between the deceased and the petitioner was in force at the time he died. Even nominees can only receive the amount but they cannot have any entitlement to adverse to the interest of the legal heirs.

6. Just because, the fourth respondent, who is shown as nominee, cannot claim any priority over the petitioner who is the first class legal heirs of the deceased husband. If the fourth respondent states any claim towards any other terminal benefits of the deceased Rajasekaran, in his capacity as his father, it is open to him to file a civil suit to declare the rights so claimed by him. So far as the respondents are concerned, there cannot be any difficulty for them to disburse any other terminal benefits of the deceased to his rightful legal heirs.

7. However, the petitioner herself has restricted her claim for 50% and it cannot be the difficulty for the respondents to disburse the said amount to the petitioner without being intimated by the objection raised by the fourth respondent in this regard.



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8. Taking into consideration all the above observations, this Writ Petition is **disposed of** with a direction to the respondents to consider the representation of the petitioner dated 09.08.2023 and pass an order disbursing the amount to the petitioner as claimed by her, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

20.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

- 1.The Superintendent of Police,
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Ramanathapuram.
- 2.The Deputy General Manager,
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- 3.The Branch Manager,
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R.N.MANJULA, J.

Nsr

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