



W.P.(MD)No.21083 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.21083 of 2019

and

W.M.P.(MD).Nos.17717 & 17718 of 2019

A.Sakila

... Petitioner

Vs.

1.The Tamil Nadu Generation and Distribution
Corporation Limited, Represented by its Chairman,
10th Floor, NKPRR Malaigai,
Anna Salai, Chennai-02.

2.The Superintending Engineer,
O/o the Superintendent Engineer,
(Purchase and Administration),
Tuticorin Thermal Power Plant,
Tuticorin-4.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in K.No.62 May.Po/Ko and Ni/thua Mi Ni/Mu.Ni.A/Ni.Mo/Ni.Pi III(4)/ 2019 dated 31.01.2019 and the consequential order in Se.Mu.A.No. 1466/154/Ku.O.71/NiPI3(4) /2019 dated 09.04.2019 on the file of the respondent No.2 and quash the same as illegal and consequently for a direction, directing the respondent No.2 to disburse the remaining 50



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percent of the retirement benefits and other monetary benefits of the petitioner's mother namely R.Panimayam such as Gratuity, Leave Salary, Special Leave Salary with all other consequential benefits within the time period stipulated by this Court.

For Petitioner : Mr.G.Karthik,
for M/s.T.Lajapathi Roy and Associates
For Respondents : Mr.S.Arivalagan,
Standing Counsel

ORDER

This Writ Petition has been filed challenging the order dated 31.01.2019, passed by the second respondent and the consequential order dated 09.04.2019, passed by the very same respondent, rejecting the petitioner's request for payment of retirement benefits payable to the deceased mother of the petitioner, by name, R.Panimayam, who was employed with the respondents.

2. Under the impugned orders, the aforesaid request of the petitioner was rejected on the ground that there is one more legal heir for the deceased employee, R.Panimayam, namely, her husband, A.Rajappa Nadar, who is alive. However, according to the petitioner, she being the only nominee declared by her deceased mother, R.Panimayam, while she was in service prior to her death,



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she alone is entitled for the payment of the retirement benefits payable to the deceased mother of the petitioner, R.Panimayam (employee).

3. The petitioner has already received 50% of the retirement benefits of her deceased mother, as the petitioner is the daughter of the deceased employee (R.Panimayam). In this Writ Petition, the petitioner is seeking for payment of the balance 50% of the retirement benefits payable on account of her deceased mother (R.Panimayam), as the petitioner is the only nominee declared by the deceased employee, R.Panimayam to receive the retirement benefits. The petitioner also contends that there is no necessity for her to obtain a Succession Certificate from the competent Court as per the impugned order, in view of the fact that she is the only nominee declared by the deceased employee, R.Panimayam to receive the retirement benefits subsequent to the death of R.Panimayam.

4. The respondents have also filed their counter-affidavit in this Writ Petition admitting the fact that the last nomination letter given by the deceased employee, R.Panimayam, while she was in service declares that the petitioner is her only nominee, who is entitled to get her retirement benefits subsequent to her death. However, in the counter affidavit, the respondents have stated that



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prior to the last nomination letter given by the deceased employee, R.Panimayam, had already given a nomination letter to the respondents stating that the petitioner and the husband of the deceased employee, viz., A.Rajappa Nadar, are the nominees of the deceased employee, who are entitled to receive the retirement benefits, incase she dies and only due to the said reason, the petitioner was directed to approach the competent Court and obtain a Succession Certificate under the impugned order.

5. It is also represented by the learned Standing Counsel appearing for the respondents that during the pendency of this Writ Petition, the representations dated 28.11.2023 and 10.05.2024 have been received by the respondents from one Mr.N.Anthonyraj, who claims to be the father of the petitioner claiming the retirement benefits payable on account of the death of the deceased employee, R.Panimayam. Therefore, he would submit that unless and until the competent Court issues a Succession Certificate in favour of the petitioner enabling her to get the balance 50% retirement benefits payable on account of the death of the deceased employee, R.Panimayam, the relief sought for by the petitioner in this Writ Petition is not maintainable.



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6. Admittedly, the petitioner has been declared as the only nominee by the deceased employee, R.Panimayam through her nomination letter dated 18.08.2015. The receipt of the said letter is also not disputed by the respondents. Once a nomination letter has been issued prior to the death of the employee, R.Panimayam, the said nomination letter will have to be necessarily acted upon by the respondents, as the earlier nomination letters, if at all issued by the very same employee, R.Panimayam gets substituted by the last nomination letter, which is in favour of the petitioner.

7. The object of the nomination letter is to enable the respondents to pay all monetary benefits, which includes the retirement benefits to the nominee declared by the employee, while he / she was in service. The necessity to decide who are the legal heirs of the deceased employee does not arise, when a nomination letter has been issued by the employee, while he / she was in service. If at all there is *inter se* dispute between the legal heirs of the deceased employee, the legal heirs, who have been excluded from getting any benefits, will have to agitate their rights only against the nominee and they cannot agitate their rights against the respondents, who are bound to necessarily act upon the nomination letter given by the employee, while he / she was in service.



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WEB COP 8. To protect the interest of the respondents, this Court has also obtained an undertaking affidavit from the petitioner dated 19.09.2024, wherein, the petitioner has undertaken to share the retirement benefits of her late mother, namely, R.Panimayam, incase any other nominee approaches the respondents for the same.

9. Learned counsel appearing for the petitioner, on instructions would also submit that the petitioner will indemnify the respondents, incase they are put to loss by the disbursement of the balance 50% retirement benefits to the petitioner, based on the nomination letter issued by R.Panimayam in petitioner's favour, while she was in service.

10. After giving careful consideration to the aforementioned facts, this Court is of the considered view that the respondents will be fully protected from any further claims, if the following directions are issued and accordingly, the following directions are issued by this Court:-

(A). The respondents are directed to disburse the remaining eligible 50%



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of the retirement benefits and other monetary benefits payable on account of the death of the deceased employee, R.Panimayam to the petitioner within a period of one month from the date of receipt of a copy of this order;

(B). The petitioner shall indemnify the respondents, incase the respondents are made liable to pay any amount to any other person, including any other legal heirs of the deceased employee, R.Panimayam, on account of the disbursal of the balance 50% retirement benefits to the petitioner, pursuant to the directions given by this Court;

(C). The petitioner is not entitled for any interest.

11. With the aforesaid directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

22.10.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

ABDUL QUDDHOSE, J.



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TSG

To:-

- 1.The Tamil Nadu Generation and Distribution Corporation Limited,
10th Floor, NKPRR Malaigai,
Anna Salai,
Chennai-02.
- 2.The Superintending Engineer,
O/o the Superintendent Engineer,
Generation,
Tuticorin Thermal Power Plant,
Tuticorin-4.

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