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W.A.No.621 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE P. DHANABAL

W.A.No.621 of 2023

R.Pandiarani

.. Appellant

Vs.

The Chennai Port Trust

Rep. By its Chairman/Chief Executive Officer

Rajaji Street, Chennai – 600 001.

.. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent Act, against the order dated 20.10.2022 passed in W.P.No.15035 of 2017.

For the Appellant : Mr.S.Karthiai Balan

For the Respondent : Mr.Haza Mohideen Gisthi

JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

This intra-Court appeal has been directed against the order passed by the Writ Court dated 20.10.2022 made in W.P.No.15035 of 2017.

2. The tussle between the parties, that is the employee's legal heir and the employer, was that the second wife of the employee of the respondent would be entitled to get family pension. That was negated by the learned Judge of the Writ Court through the impugned order dated 20.10.2022, against which, the present appeal has been directed.



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3. After some arguments by both sides, *Mr.S.Karthikai Balan*, learned counsel appearing for the appellant, on instructions, would submit that if at all the appellant approaches the competent Civil Court and get a declaratory decree or a certificate of legal heirship, as if the Authority certifying the second wife of the deceased employee as a legally entitled legal heir of the deceased employee to succeed the estate of the employee, including family pension benefits, at least in that case, it can be considered by the respondent Port Trust.

4. *Mr.Haza Mohideen Gisthi*, learned Standing Counsel appearing for the respondent Port Trust would submit that as of now, as per the Rule which is in vogue, the claim made by the second wife would not be entertained by the respondent for getting benefits like family pension. However, in future, if any Civil Court decree or a certification is obtained or secured, in the manner known to law, by the appellant and the same is produced before the respondent Port Trust Authorities, certainly, that would be considered on merits and suitable orders to that effect would be passed.

5. Having heard the learned counsel appearing for both sides,



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as they have taken the aforesaid stand, we deem it appropriate to dismiss this writ appeal, however, by giving liberty to the appellant to approach the Competent Civil Court and do the needful as indicated above. In this regard, if the appellant approaches the competent Civil Court for appropriate relief, the findings given by the learned Judge in the Writ Court through the impugned order would not stand in the way. The Civil Court is expected to decide the issue independently on its own merits at the earliest point of time.

6. With these observations and liberty, this writ appeal is dismissed. However, there shall be no order as to costs.

(R.S.K., J.) (P.D.B., J)
21.07.2025

Speaking Order/Non-Speaking Order

Index:Yes/No

Internet:Yes/No

Neutral Citation:Yes/No

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To:

1. The Chairman/Chief Executive Officer
The Chennai Port Trust
Rajaji Street, Chennai – 600 001.



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R. SURESH KUMAR, J.
AND
P. DHANABAL, J.

(drm)

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