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W.A.No.691 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.691 of 2025

and

C.M.P.No.5724 of 2025

1.Jothiga

2.Priyadharshini [Minor]

... Appellants

Vs.

1.Indian Oil Corporation Limited,
Western Region,
The Deputy General Manager (ER) WR,
Indian Oil Bhavan - BKC,
Plot C-33, G-Block, Bandra Kurla Complex,
Bandra (East), Mumbai - 400 051.

2.Indian Oil Corporation Limited,
Western Region,
The Chief General Manager (HR),
WRO Indian Oil Bhavan - BKC,
Plot C-33, G.-Block Bandra Kurla Complex,
Bandra (East), Mumbai - 400 051.

3.Indian Oil Corporation Limited,
Marketing Division,
Southern Region,



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The General Manager I/c(ER), SR

Indian Oil Bhavan

139, Uthamar Gandhi Road (Nungambakkam High Road),
Chennai - 600 034.

4.V.Thenmozhi

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order passed in W.P.No.7296 of 2023 dated 23.09.2024 by allowing the writ appeal.

For Appellants : Mr.N.Umapathi

For Respondents : Mr.V.Srinivasa Babu for R4

R1 to R3 - No appearance

J U D G M E N T

(Judgment of the Court was delivered by ***R.SUBRAMANIAN, J.***)

We do not see any merit in this Writ Appeal. The petitioners who claim to be the heirs of one Vanjicko, who died in harness seek a direction to the employer viz., the Indian Oil Corporation to effect partition of the retiral benefits of the said individual and pay the same in accordance with the Rules of Succession.



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2. The writ Court dismissed the Writ Petition on the ground that where there is a valid nomination, the duty of the employer ends with paying the money to the nominee and if any one else has claim as heir, the same will have to be agitated before the appropriate civil Court.

3. Though Mr.Umapathy, learned counsel appearing for the appellants would persuade us to take a different view, we do not think we can. The law relating to nomination is very well settled to the effect that a nominee does not become the absolute owner of the funds that are paid over to the nominee by the employer, but, at the same time, there will be a full and effective discharge of the obligation from the employer, if the employer pays the money to the nominee. It will be open to the other heirs to claim a share in accordance with the Succession Act before the appropriate forum.

4. The writ Court has made it clear that it will be open to the appellants to move the appropriate civil Court seeking a share and neither the employer nor this Court sitting under Article 226 of the Constitution of India can effect partition of the estate of the deceased employee.



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5. Therefore, the Writ Appeal fails and it is accordingly **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

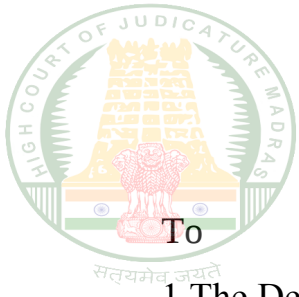
(R.S.M.,J.) (G.A.M.,J.)
14.03.2025

dsa

Index : No

Neutral Citation : No

Speaking order



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To

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Indian Oil Bhavan - BKC,
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