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W.A.Nos.1200 and 1201 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **K.SURENDER**

Writ Appeal Nos. 1200 and 1201 of 2024
And CMP Nos. 8746 of 2024 and 1219 of 2025

1. Mrs. Dhanamani

2. Mrs. Perumal

... Appellants in both the Appeals

Vs.

1. R.Baby Shakila

2.The Director,
Medical and Rural Health Services,
DMS Campus, 361 Anna Salai,
Chennai 600 006

3.The Joint Director of Health Services,
Cuddalore District,
Cuddalore – 607 001.

4.The Chief Medical Officer,
Chidambaram Kamaraj Hospital,
Chidambaram – 608 001.



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5. The Principal Accountant General,
Accounts and Entitlements,
No.361, Anna Salai,
Chennai 600 018.

6. The Treasury Officer,
District Treasury,
Cuddalore District,
Cuddalore.

7. The Assistant Treasury Officer,
Sub-Treasury,
Chidambaram 608 001.

... Respondents 1 to 7 in WA 1200/24

1. The Director,
Medical and Rural Health Services,
DMS Campus, 361 Anna Salai,
Chennai 600 006

2. The Joint Director of Health Services,
Cuddalore District,
Cuddalore – 607 001.

3. The Chief Medical Officer,
Chidambaram Government Hospital,
Chidambaram – 608 001.

4. The Accountant General,
Accounts and Entitlements,
No.361, Anna Salai,
Chennai 600 018.

5. R. Baby Shakila

... Respondents 1 to 5 in WA 1201/24



Prayer: Writ Appeals filed under Clause 15 of the Letters Patent, to set aside the common order passed in WP Nos.30037 and 33830 of 2023 dated 16.02.2024.

For Appellants : Mr.A.Thiagarajan, Senior Counsel
(in both the Appeals) For M/s.K.Chandru

For Respondents : Mr.L.Chandrakumar
for Mr.P.Kannankumar,
for R1 in WA 1200/24 &
for R5 in WA 1201/24

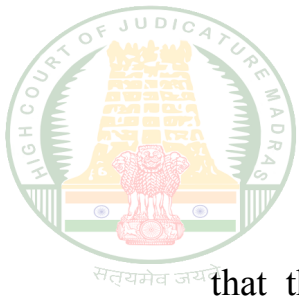
Ms.M.Sneha, Special Counsel,
for RR 2, 3 & 4 in WA 1200/24
&for RR 1,2 & 3 in WA 1201/24

Mr.P.Manorajan, for R5 in WA 1200/24 &
For R4 in WA 1201/24

COMMON JUDGMENT

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

The Appeal is by the parents of deceased Dr.Ravi, who died, while in service, on 22.10.2022 leaving behind himself his parents and widow. The challenge is to the order of the learned Single Judge directing dispersal of the DCRG and GPF amounts payable to the deceased Dr.Ravi to his wife viz. the first respondent herein.

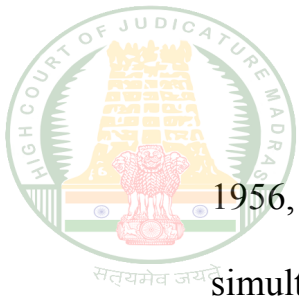


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2. The necessity for the Writ Petition arose because, the parents claim that they have been properly nominated to receive the benefits and the subsequent nomination in favour of the wife is not valid. Of course, the learned Single Judge had up held the nomination in favour of the wife. Be that as it may, law is settled to the effect that nomination by itself does not vest the benefits in favour of the nominee or the nominee does not become the absolute owner of the benefits purely based on the nomination, in other words the nominee holds the fund in trust for the other heirs.

3. As far as Family Pension is concerned, there is no dispute that it has to go to the wife exclusively under Rule 49 of the Pension Rules. As regards the other benefits, once the employee dies they form part of the estate of the employee and they will devolve on the heirs as per the Personal Law of the employee concerned. It is not in dispute that the deceased is a Hindu and the provisions of the Hindu Succession Act, 1956 would apply.

4. Under Section 8 of the Hindu Succession Act, 1956, the property of a male Hindu would dies intestate would devolve on the heirs specified in Clause I of the Schedule. As per Section 9 of the Hindu Succession Act,
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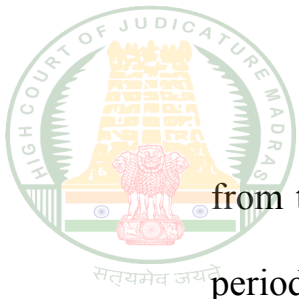


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1956, the heirs specified in one entry of Schedule I will take it simultaneously, that means equally and as regards heirs specified in Schedule II those in the first entry will be preferred over the others and so on.

5. In view of the said position of law, the first appellant and the first respondent would be the heirs specified in Clause I of the Schedule to the Hindu Succession Act, 1956. Therefore, they would take equal share in the other monies that are due to the deceased Government employee. As both the parties are before us and there is no dispute regarding the shares, we do not think we should relegate the parties to a Partition Suit which would be a long drawn litigation. We are informed that the Partition Suit in respect of the other properties is already pending.

6. We therefore direct the respondents 2 and 4 to pay the benefits accrued to the account of the deceased employee viz. Dr.Ravi, equally to the first appellant and the first respondent in this Appeal. Needless to point out that the Family Pension will go in its entirety to the first respondent. The respondents will do well to process the request within a period of 12 weeks



from the date of receipt of a copy of the order and effect payment within a period of four weeks thereafter.

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7. The Writ Appeal is disposed of with the above directions. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

(R.SUBRAMANIAN, J.) (K.SURENDER, J.)
26.06.2025

jv

Internet : Yes
Index : No
Neutral Citation : No
Speaking order

To

1.The Director,
Medical and Rural Health Services,
DMS Campus, 361 Anna Salai,
Chennai 600 006

2.The Joint Director of Health Services,
Cuddalore District,
Cuddalore – 607 001.

3.The Chief Medical Officer,

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Chidambaram Kamaraj Hospital,
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4. The Principal Accountant General,
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