



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 18.03.2025

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.19952 of 2024
and W.M.P.No.21838 of 2024

1.Karthiga A
2.Bhavadharani A
3.Revathy A

.. Petitioners

Vs.

1.The Secretary to Government (Finance),
Chief Secretariat,
Puducherry – 605 001.

2.Deputy Director (Pension)
Directorate of Accounts & Treasuries,
Rainbow Nagar,
Puducherry – 605 001.
(also at)
No.80 Dupliex Street,
Karaikal – 605 001.

3.Deputy Director (UIP),
Universal Immunization Programme,
Nehru Nagar,
Karaikal – 609 605.
Puducherry.

4.Ranjitham

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to Pension Payment Order bearing No. 4635/DAT/Pen-1/A4/PPO.No. 36159/2024-25/1278 dated 28.05.2024 (“Impugned order”) issued by the 2nd respondent and to quash the same and consequently, direct the respondents 1 to 3 to pay the petitioners in equal proportion the Death Gratuity of the petitioners' father Mr. L.Anbazhagan, who was employed as Pharmacist in the office of the 3rd respondent.

For Petitioner	.. Mr.K.Pradeep
For R1 to R3	.. Mr.R.Sreedhar, AGP
For R4	.. Mr.S.Nedunchezhiyan

ORDER

This Writ Petition has been filed in the nature of the Certiorarified Mandamus seeking records relating to a Pension Pay order dated 28.05.2024 issued by the 2nd respondent and to quash the same. The petitioners seek a direction against the respondents 1 to 3 to pay the petitioners in equal proportion of the gratuity of their father L.Anbazhagan, who was employed as Pharmacist in the office of the 3rd respondent.



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2.This is purely a civil dispute. If the petitioners have the mind, they need not to view this as a dispute at all. The 4th respondent is their own paternal grandmother. Their father who was working as a pharmacist had nominated the 4th respondent / his mother as nominee to receive the benefits in the event of his death or under any other contingent circumstances. The mother of the petitioners had divorced their father. The father of the petitioners had died. The gratuity and other benefits are payable. Since, he had nominated his mother / 4th respondent, the 1st to 3rd respondents had paid out the gratuity amount to the 4th respondent. This is a reason why the petitioners have filed the writ petition.

3.If the petitioners are of the opinion that their paternal grandmother is not entitled to even a single paisa of the gratuity amount and that they alone are entitled for the same, which according to the learned counsel for the petitioner is the law, then they will have to file a Civil Suit to recover the amount from the 4th respondent. It is also seen that in the very same impugned order, it had been directed that the family pension shall be paid to the 2nd petitioner, till she attains the age of 25 years. The gratuity is to be paid to the 4th respondent, in view of the nomination made by the father of



the petitioners. The father of the petitioners had taken a conscious decision not change the nominee inspite of his marriage and later, after divorce with his wife. He had permitted the 4th respondent to be retained as nominee in his service records. The 1st to 3rd respondents have therefore, discharged their obligation by paying out the gratuity to the nominee.

4.The learned counsel for the petitioners, however alleged that the 1st to 3rd respondents had acted malafide, even though, they were put on notice that the petitioners are going to file a writ petition seeking payment of the gratuity only to them and not to the 4th respondent. It is also contended that any nomination made would not subsist once the Government servant marries. But the marriage ended in a divorce. The Government servant / father of the petitioners had not thought it fit or even required to change the nomination, even after the marriage or after the divorce. The 4th respondent continued to be his nominee. As nominee, she only receives the amount with an obligation to pay it out to those who are lawfully entitled for a share of the same. If the petitioners are of the opinion that they had been unlawfully deprived, then they will have to file a Civil Suit for recovery.



5.The learned Government Pleader, Union Territory of Puducherry, raised a further objection that the writ petition itself is not maintainable and should have been filed before the Central Administrative Tribunal.

6.At any rate, the Court cannot grant any relief to the petitioners, except to state that, if they feel that they have been deprived of the gratuity amount, they will have to institute a Civil Suit against the 4th respondent. But it is fervently hoped that they will not do so and realize that they had come into existence in the world only because of their father, who was born to their paternal grandmother.

7.With the above observations, this Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

18.03.2025

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Index:Yes/No
Internet:Yes/No



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C.V.KARTHIKEYAN,J.

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