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W.P. No. 21215 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2025

CORAM

THE HON'BLE Mr. JUSTICE T. VINOD KUMAR

W.P. No. 21215 of 2019

R.Saraswathi

...Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Finance PGC Department,
Secretariat,
Fort St. George,
Chennai – 600 009.

2. Thalavai/Commandant,
Tamil Nadu Special Task Force,
Team – 4, Kovaipudur,
Coimbatore – 641042.

3. Rajeshwari

...Respondents

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 the rejection order of the 2nd respondent in Na.Ka.T2/13401/2017 dated 23.04.2018 quash the same and direct the 2nd respondent to implement Government Order in G.O.No.59 dated 22.02.2016 issued by the Finance PGC Department and provide all other benefits to the petitioner.

For Petitioner : M/s.K.Jeenath Begum
for Mr.V.Elangovan

For Respondents : Mr.T.Chandrasekaran,
Special Government Pleader (for R1 & R2)
No appearance (for R3)



W.P. No. 21215 of 2019

ORDER

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Heard the learned counsel for the petitioner. The learned Special Government Pleader appearing on behalf of the first and second respondents and perused the record.

2.The case of the petitioner in brief is that her son was appointed as Police Constable in the Tamil Nadu Special Task Force on 18.01.2011; and that he had deceased while discharging duty on 15.11.2017.

3. It is the further case of the petitioner that her son on securing a job as Police Constable got married to 3rd respondent on 19.06.2013 and do not have issues; and that her son/the deceased employee had appointed her as his nominee to receive the contributory pension and all other terminal benefits.

4. It is the further case of the petitioner that on the death of her son, she is entitled to receive all the monetary benefits including the amounts under the Contributory Pension scheme, being the nominee and as the said amounts were not given, she has approached the authorities and submitted a representation dated 29.01.2018 through her husband; and that the 2nd respondent without considering the said representation in a proper and correct prospective, rejected the same on 23.04.2018. Assailing the same, the present writ petition has been filed.



W.P. No. 21215 of 2019

WEB COPY

5. Counter affidavit has been filed on behalf of the first and second respondents.

6. The first and second respondents by counter affidavit contended that the petitioner's son /deceased employee, while alive, after getting married to the 3rd respondent, had submitted application for change of nominee and appointed his wife/3rd respondent as his nominee on 23.05.2015, being entitled to receive the various benefits due to him in the event of any untoward incident happening.

7. The first and second respondents further contended that since, as per the records, the 3rd respondent has been nominated by the deceased employee/petitioner's son, as nominee during his lifetime, it is only the said nominee who is entitled to receive the benefits and for the said reason, the 2nd respondent by considering the request submitted by the petitioner on 10.01.2018 through her husband issued impugned communication rejecting the claim.

8. I have taken all their respective contentions as such.

9. Though the petitioner claims that her deceased son had mentioned her name as nominee, while joining the service as constable in the year 2011,



W.P. No. 21215 of 2019

however, it is noted that on getting married in the year 2013 changed his nomination by submitting fresh nomination form in the month of May 2015, whereby he has shown the name of the 3rd respondent as nominee.

10. The 2nd respondent / on receiving the change request submitted by the deceased employee, substituting the nomination from his mother to his wife, have recorded the name of the 3rd respondent as nominee to receive all the benefits to which the deceased employee is entitled to. Thus, the petitioner cannot claim that the first and second respondents are liable to pay the amounts due to the deceased employee, to her, even after her deceased son having changed the nomination during his life time.

11. Further, it is a settled position of law that the last recorded nomination would take precedence over the earlier nomination recorded. Thus, the 1st and 2nd respondent taking note of the nomination recorded having paid the entitlement/ emoluments of the deceased employee to the 3rd respondent, who is appointed as nominee in the month of May 2015, the petitioner cannot claim as being entitled to the benefits/emoluments due to her son or that respondent Nos. 1 and 2 ought to have made such payment to her.

12. The petitioner instead of approaching competent court of civil



W.P. No. 21215 of 2019

jurisdiction in order to claim her entitlement if any, as nominee being only a custodian, had approached the second respondent through her husband by submitting a representation in the month of January 2018 and thereafter approached this Court/ (by filing this writ petition), an the second respondent rejecting the same in the month of April 2018. Since, the respondent having paid the benefits due to the deceased employee to the nominee recorded viz., 3rd respondent who is none other than the wife of the deceased employee whose name is validly entered as nominee in the service register/record of the second respondent, the action of the second respondent in issuing the impugned proceeding cannot found fault with.

13. Accordingly, the writ petition as filed is devoid of merit and is dismissed with costs, quantified at Rs. 2,500/- (Rupees two thousand five hundreds only), payable to Tamil Nadu Legal Services Committee, Madras High Court Campus, Chennai – 600 104, within a period of eight weeks from the date of receipt of a copy of this order. Failing non-payment of cost it is open for the said Authority, to initiate steps for recovery of the same in accordance with law.

27.11.2025

Index : Yes/No
Internet: Yest/No
Speaking or Non-speaking order
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W.P. No. 21215 of 2019

T. VINOD KUMAR, J.

Maya

To

1. The Secretary to Government of Tamil Nadu,
Finance PGC Department,
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Fort St. George,
Chennai – 600 009.
2. Thalavai/Commandant,
Tamil Nadu Special Task Force,
Team – 4, Kovaipudur,
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