



WP(MD). No.13083 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 28.01.2025

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.13083 of 2019

Sevanammal

... Petitioner

versus

1. The Principal Secretary to Government,
School Education Department,
Fort St. George,
Secretariat,
Chennai – 600 009.

2. The District Educational Officer,
Melur,
Madurai District.

3. K.Karumari

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of a Writ of Mandamus, to forbear the respondents 1 and 2 herein to disburse the death benefits to the 3rd respondent herein and consequently, direct the respondents 1 and 2 to disburse the death benefits of the petitioner's son Balan, who worked as Night Watchman in Government Higher Secondary School, Othakadai, Madurai District, to the petitioner and her minor grandchildren who are



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the legal heirs of the petitioner's deceased son, based on the petitioner's representation dated 14.05.2019.

For Petitioner : Mr.G.Solai Raja
For R1 and R2 : Mr.P.T.Thiraviam,
Government Advocate
For R3 : No appearance

ORDER

The petitioner is a widow. The petitioner's son Balan, who worked as a Night Watchman in the Government Higher Secondary School, Othakadai, Madurai District, died on 30.04.2018 by committing suicide, leaving behind his wife and three children. The petitioner claims that her daughter-in-law, who is the 3rd respondent herein, married another person and left the children in the lurch and therefore, she is maintaining the children. She further claims that she is not having any source of income and therefore, she is not in a position to maintain the children. With this grievance, she has submitted a representation and approached this Court for a Mandamus, directing the respondents 1 and 2 to disburse the death benefits of her son Balan.



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2. Though notice was served to the 3rd respondent, she has not appeared before this Court. Further, the averment made by the petitioner that the 3rd respondent married another person and left the children in the lurch, is also not denied in this writ petition.

3. Considering the submissions made by the petitioner that her son Balan is having three children and after his death, she alone is taking care of them, this Court thought it fit to refer this matter to the Mediation Center attached to this Bench to give quiteus to this issue. Even after the repeated reminders, the 3rd respondent has not appeared before this Court.

4. The respondents 1 and 2 have taken a plea that the 3rd respondent, the wife of the deceased Balan, is mentioned as nominee of the deceased employee and therefore, the amount has to be disbursed only to the 3rd respondent. However, in view of the dispute between the petitioner and the 3rd respondent and the writ petition pending before this Court, the 2nd respondent has not disbursed the death benefits to the 3rd respondent. It is also reported that the death benefits, which come



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around Rs.6 lakhs is kept unused, in view of the writ petition pending before this Court.

5. This Court considered the rival submissions made and also perused the materials placed on record.

6. The petitioner claims that the children of her deceased son Balan are living along with her and she alone is maintaining them and she is not having any source to maintain them. Therefore, she seeks for disbursement of death benefits of her deceased son.

7. The 3rd respondent, who is the wife of the deceased Balan, is legally entitled for the death benefits. Therefore, the petitioner, who is the mother of the deceased Balan, cannot claim it as a matter of right. Equally, the children of the deceased Balan are also having a right on the share. The 3rd respondent is expected to maintain the children of the deceased Balan. Since the petitioner is maintaining the children, she is entitled for maintenance from the 3rd respondent. Similarly, the children are also having a right of claiming maintenance from the 3rd respondent.



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8. Therefore, this writ petition is disposed of with a direction to the second respondent to ascertain as to whether the children of the deceased Balan are living along with the petitioner and thereafter, take an initiative for amicable settlement between the petitioner and the 3rd respondent and settle the eligible amounts within a period of six months from the date of receipt of a copy of this order. No costs.

28.01.2025

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NCC : Yes / No.

Index : Yes / No.

Internet: Yes / No.

To

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B.PUGALENDHI, J.

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