



WP(MD) No.28618 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 22.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.28618 of 2025

1. S.Jayabharathi

2. S.Mridula

3. S.Shaashwad

... Petitioners

Vs.

1. The Superintendent Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Madurai 625 007.

2. The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Madurai 625 007.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to disburse the pension, Gratuity and any other death cum terminal benefits of the first petitioner's husband which is payable to the petitioners, who were the nominees, nominated by the deceased husband of the first petitioner during his course of employment and also consider the representation made on 22.08.2025.



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For Petitioners : Mr.R. Srinivasan,

For Respondents : Mr.B.Ramanathan,
Standing Counsel

ORDER

This writ petition has been filed for a writ of Mandamus, to direct the respondents to disburse the pension, Gratuity and any other death cum terminal benefits of the first petitioner's husband which is payable to the petitioners, who were the nominees, nominated by the deceased husband of the first petitioner during his course of employment and also consider the representation made on 22.08.2025.

2. The learned counsel for the petitioners would submit that the first petitioner's husband, who was employed with the respondents, had died on 28.04.2024. After the marriage, her husband changed the nomination which originally stood in the name of his mother, by cancelling the same and nominating the petitioners would be entitled to receive his terminal benefits, including the pension. However, the 2nd respondent issued a proceedings dated 13.08.2025, indicating that unless or until all the legal heirs of the deceased employee give written consent, the terminal benefits



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could be distributed equally amount to the legal heirs mentioned in the legal heir certificate. As per Section 4(1)(c) of the Payment of Gratuity Act, 1972, if an employee has nominated a person during his service for receipt of terminal benefits, then the entire gratuity amount / terminal benefits would have to be paid to such nominated persons. He would further submit that as per Rule 49 of the Tamil Nadu Pension Rules 1978, the petitioner and her children are entitled to receive pensionary benefits. That apart, he would submit that the first petitioner's deceased husband had nominated the petitioner as nominee to receive the respective terminal benefits in the Forms prescribed and therefore, they should be directed to disburse the amount to the petitioner.

3. Countering his arguments, the learned Standing Counsel for the respondents would submit that the legal heir certificate would indicate that the mother of the deceased is also a legal heir, and therefore, she is also entitled to have a share in the terminal benefits. Therefore, there is no error in the communication of the respondents directing the first petitioner to produce a consent certificate of all the legal heirs. He would further submit that the writ petition, without challenging the said communication, cannot be said to be maintained.



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4. I have heard the learned counsel on either side and perused the material available on record.

5. The Forms that had been submitted by the deceased employee would indicate that he had nominated the petitioners to receive the family pension, the Tamil Nadu Electricity Board Employees' Family Benefits Subsidiary Scheme, the gratuity, and the provident fund, and he had not nominated any other person to receive the aforesaid benefits. Rule 48 of the Tamil Nadu Pension Rules would also envisage that if the nomination had been made by the Government servant, then such nomination should be honored and the terminal benefits should be paid to such nominees. Applying the said analogy given under the said Rules and also the provisions of Section 4 of the Payment of Gratuity Act, 1972, the respondents cannot be said to contend that all the legal heirs of the deceased employee would be entitled to receive the terminal benefits, that too when the deceased employee had nominated a named individual/ individuals to receive such benefits, in the event of his death. The order, which is relied upon by the respondents calling upon the petitioner to produce the consent from the other legal heirs, is wholly unjustified as



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being contrary to the statutory provisions and also the Forms that had been submitted by the deceased employee, and hence, non challenging of the same, would not disentitle the petitioners from receiving the terminal benefits of the deceased employee.

6. In such view of the matter, the writ petition is allowed and the respondents are directed to disburse the terminal benefits of the deceased employee, viz., Saravana Chandiran in favour of the petitioners in compliance with the Forms of nomination submitted by the deceased employee within a period of twelve weeks from the date of receipt of a copy of this order. No order as to costs.

22.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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K.KUMARESH BABU,J

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TO

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