

TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION LIMITED

Legal Cell  
144 Anna Salai  
Chennai – 2.

Letter No. 06406/C31/2023-1, dated 27-02-2023.

From  
Th.G.Chinna Nagur, B.Sc., M.A., M.L., PGDLA,  
Legal Adviser.

To  
✓ The Superintending Engineer,  
Kadamparai Generation Circle.  
Minparai – 642 101 (w.e.)

Sir,

Sub: TANGEDCO – Legal Cell – Th.S.Prakash, JE I Grade/Mechanical –  
Died while in service on 07.08.2022 – Sanction of terminal benefits –  
Opinion – Issued.

Ref: Your Lr.No. 01304/SE/Adm/Adm.3/A2/F.Doc/2023, dated 21.02.2023.

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It is seen from the papers that Th.S. Prakash, during his life-time, had made nomination in favour of Tmt.P.Amuthu (wife) with conditional alternative nomination in favour of Selvan.P.Dinesh Kumar (son) and Selvi. P.Swathi (Daughter) for receiving Family Benefit Fund, General Provident Fund, Special Provident Fund and Family Pension and DCRG. On death, he left behind the said wife and children and also mother/Tmt.Lakshmi. The widow has claimed the benefits without the NOC of the mother of the deceased. Hence, opinion of the Legal Cell is sought for. However, the mother of the deceased neither objected nor claim the benefits or a share in benefits.

2. As far as family pension is concerned, when the spouse is alive, no one except the spouse is eligible for family pension and hence, in the case on hand, Tmt.P.Amuthu/wife alone is eligible for family pension, for which no concurrence/ consent/ No Objection is required from anybody including the mother of the deceased.

3. It is a settled position in law that the nominee is only a Trustee. The principle of law is that the nomination only indicates the hand which is authorized to receive the amount. The liability of an employer is validly discharged, on payment of the amount to the nominee. The nominee, in turn, is liable to return or share/part with, as the case may be, the amount to those in whose favour the law creates a


(pto)



beneficial interest. The amount can be claimed by the heirs of the deceased from the nominee or heir have to proceed against the nominee in accordance with the law of succession. In short, the nominee is entitled to receive the amount, but it is a duty cast upon the nominee to distribute/share the amount so received according to the law of succession. The above position may be informed to the claimant/Tmt.P.Amutha, wife and then the terminal benefits may be sanctioned and paid to her.

4. The papers as received are returned.

Yours faithfully,

  
27/02/2023  
for Legal Adviser.

Copy to all SEs/CEs for information (By email.)

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