



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :07.12.2015**

CORAM:

THE HONOURABLE Mr.JUSTICE D.HARIPARANTHAMAN

WEB COPY

W.P. (MD) No.21483 of 2015

C.Stalin Mary

... Petitioner

Vs.

- 1.The General Manager,
The Tamil Nadu State Transport Corporation,
Kumbakonam Division,
Kumbakonam,
Thanjavoor District.
- 2.The Assistant Manager (Personal / Administration),
The Tamil Nadu State Transport Corporation,
Kumbakonam Division,
Kumbakonam,
Thanjavoor District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent dated 27.08.2015, quash the same and consequently, direct the respondents to include the petitioner's name and her minor daughter viz., C.Sushma's name in the service register of her deceased husband and provide all death benefits of her husband.

For Petitioner : Mr.L.Shaji Chellan
For Respondents : Mr.D.Sivaraman

O R D E R

The petitioner is the wife of late Mr.G.Charles, who was working as a Driver in the respondent / Corporation. He joined in service on 01.11.1989 and his service was regularized on 01.02.1991. At the time of joining service, he was not married. His mother was the only surviving member of the family. Hence, in the service register, the name of the mother was shown as a family member of the deceased employee. However, the deceased employee did not enter his mother's name as the nominee to receive the terminal benefits. The nomination form is produced before this Court and the same does not contain any name. The name of the mother-in-law of the petitioner was shown as a member of the family of the deceased employee.



2. While so, the husband of the petitioner died on 19.08.2014. After joining the service in the respondent / Corporation, the deceased employee married the petitioner on 05.06.1998 and also a female child was born on 10.10.2000. At that time of the death of the employee, the child is only aged about 4 years.

3. Before the death of the deceased employee, his mother died on 06.05.2013. However, the same was not intimated by the employee. Even the petitioner did not state about the death of her mother-in-law in her representation dated 24.07.2015 seeking a direction to include her name and her daughter's name as legal heirs in the service register and to pay the terminal benefits payable to the petitioner in the said circumstances.

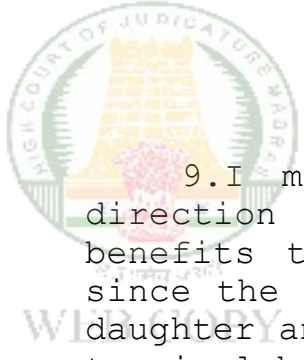
4. The said representation of the petitioner was rejected by the respondent Corporation by an order dated 27.08.2015 on the ground that the petitioner shall get appropriate orders from the Court seeking a direction to the respondent Corporation to record the name of the petitioner in the service register of the deceased employee viz., Charles. The petitioner has filed this Writ petition to quash the aforesaid order dated 27.08.2015.

5. Mr. D. Sivaraman, learned standing counsel takes notice for the respondents. By consent, the Writ petition is taken up for final disposal.

6. The learned counsel for the respondents obtained instructions and also produced a Xerox copy of the service register of the deceased employee. It is also stated that there is no rival claim from anybody as on date.

7. In these circumstances, taking into account the marriage invitation, family free pass issued by the respondents / Corporation to the petitioner as the wife of the deceased and the legal heirship certificate and ration card, I am of the view that the petitioner is entitled to a direction to include her name as well as her daughter's name as the legal heirs in the service register of the deceased employee viz., G. Charles and the petitioner is entitled to receive the terminal benefits. It is relevant to mention that the respondent / Corporation recognized the petitioner as the wife of the deceased employee, while issuing family free pass, which is enclosed at page No.3 of the typed set of papers. Hence, I am of the view that the petitioner is entitled for a direction as sought for.

8. Accordingly, a direction is issued to the 2nd respondent to include the name of the petitioner and her daughter's name as legal heirs of the deceased employee namely, G. Charles and settle the terminal benefits due to the death of the said G. Charles to the petitioner within a period of 3 months from the date of receipt of a copy of this order. The writ petition is disposed of accordingly.



9.I make it clear that it is an exceptional case and a direction is issued as stated above to settle the terminal benefits to the petitioner within the time stipulated as above, since the petitioner is a widow and also taking care of her minor daughter and in other cases this Court issued directions to settle terminal benefits in instalments. No costs.

Sd/-

Assistant Registrar(Crl.Side)

/True copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai.

nbj

To

- 1.The General Manager,
The Tamil Nadu State Transport Corporation,
Kumbakonam Division,
Kumbakonam,
Thanjavoor District.
- 2.The Assistant Manager (Personal / Administration),
The Tamil Nadu State Transport Corporation,
Kumbakonam Division,
Kumbakonam,
Thanjavoor District.

+1 cc to Mr.L.Shaji Chellan,Advocate SR No.70214

+1 cc to Mr.D.Sivaraman,Advocate SR No.69789

W.P. (MD)No.21483 of 2015
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rg.DP/SAR-I 18.12.2015 3P/5C