



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2016

CORAM:

THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN

W.P. (MD) No. 24563 of 2016

WEB COPY

R. Padmini

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by the Chairman & Principal Secretary to Government,
Transport Department,
Secretariat, Chennai 600 009.

2. The TNSTC Employees Pension Fund Trust,
Rep. by its Administrator,
SETC Compound,
Pallavan Salai,
Chennai 600 002.

3. The Manager,
Salary Department,
Tamil Nadu State Transport Corporation,
Kumbakonam Division.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 3rd respondent in Tha.Na.A.Poga/Kumba/Kaarai/Sa.Pe./597 dated 25.08.2015 and quash the same and consequently, direct the respondents to disburse the terminal benefits and other benefits to the petitioner within the time frame.

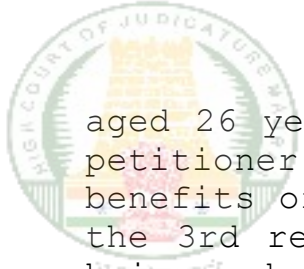
For Petitioner : Mr.S.Ramasamy

For Respondents : Mr.M.Rajaraman, G.A. for R1
Mr.P.Sivaraman for R3

O R D E R

The Writ petition has been filed to issue a Writ of Certiorarified Mandamus, to quash the order dated 25.08.2015 in Tha.Na.A.Poga/Kumba/ Kaarai/Sa.Pe./597 and also direct the respondents to disburse the terminal benefits and other benefits to the petitioner within a time frame.

2. The case of the petitioner is that the petitioner's husband, who was working as Driver in the respondent / Transport Corporation, died on 18.01.2006 leaving behind his two female children namely, Shanmugapriya, aged 28 years and Sathiyapriya,



aged 26 years. After the demise of the petitioner's husband, the petitioner approached the 3rd respondent for sanctioning service benefits of her husband in her favour. Thereafter, on 25.08.2015, the 3rd respondent by the impugned order, stating that the legal heirs, whose names were mentioned in the service record of the deceased, are different from the legal heirs certificate submitted by the petitioner. Further, in the service record, it is stated that the deceased have 4 children including the name of the petitioner's two daughters. Hence, the petitioner is before this Court with the present writ petition.

3. Heard the learned counsel for the petitioner, learned Government Advocate appearing for the 1st respondent and the learned standing counsel appearing for the 3rd respondent / Transport Corporation.

4. Admittedly, there was no rejection of the request made by the petitioner with regard to disbursement of pensionary benefits. It is also seen from the petitioner's written letter dated 05.09.2015 that if there are any other legal heirs as stated in the service records, she has no objection for disbursement of terminal benefits to them also.

5. In view of the statement made by the petitioner, even though the legal heir certificate does not contain the other two children, whose names were mentioned in the service record, the petitioner shall approach the concerned authority for obtaining fresh legal heir certificate by including the name of the two children, whose names were mentioned in the service record.

6. This Writ petition is disposed of observing that the amount due to the petitioner and other legal heirs has to be divided into 5 shares. After obtaining indemnity bond from the petitioner and also from the two daughters, the petitioner and her two daughters are entitled to 3/5th of the share in the terminal benefits of the deceased and the remaining 2/5th of the share may be disbursed to the other two children. This Court also makes it very clear that the present legal heir certificate dated 19.09.2011 shall not be used for any other purpose as admittedly, the other legal heirs are not included in the said certificate and there is no need to quash the impugned order as there is no adverse order has been passed against the petitioner. If the other legal heirs namely, Kalaivani and Saravanakumar are not interested to receive the terminal benefits of the petitioner's husband, the petitioner may obtain no objection from them by way of (an undertaking) affidavit and thereafter, the remaining 2/5th share may be disbursed to the petitioner and her two daughters equally. No costs.

Sd/-

Assistant Registrar (AE)

/True copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



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+1 CC to M/s.S.RAMASAMY, Advocate, SR No. 82801
+1 CC to M/s. D.SIVARAMAN, Advocate, SR No. 82898
+1 CC to M/s. THE SPECIAL GOVERNMENT PLEADER, SR No. 83496

NBJ

PSM/SV-MMS/09.02.2017/3P/7C

W.P. (MD) No.24563 of 2016
22.12.2016