

**HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO**

**Writ Petition No. 24774 of 2016**

**Order:**

The case of the petitioner is that her husband used to work in the first respondent Company and he died while in service leaving behind him the petitioner herein and two sons namely Sampath and Mahesh. After his death, the eldest son Sampath was provided with employment, but Sampath also died in an accident leaving behind him the petitioner, the fourth respondent and his daughter as legal heirs. When there was a dispute with regard to settlement of terminal benefits, the petitioner approached this Court in WP No.11154 of 2012 and this Court passed an order settling the terminal benefits, but leaving the monthly monetary compensation in lieu of dependent's employment as follows.

“In all other circumstances, rights of succession have got to be worked out by the parties in an appropriate Court of competent jurisdiction. But however, taking in to account and consideration the extraordinary circumstances, in which the parties are leading their lives in near penury conditions, I consider it appropriate to resolve this controversy at the stage. I direct the 1st respondent – company and the other respondent Nos.2 and 3 to immediately settle the terminal benefits and additional amount in lieu of dependent employment payable due to the death of Sri T.Sampath, Badli Coal Filler, who died in a motor accident outside the work place. The terminal benefits payable to Sri T.Sampath will be apportioned into 3 equal portions. The 1st petitioner will be entitled to 1/3rd, while the 4th respondent is entitled to other 1/3rd. The remaining 1/3rd amount shall be confined by the 1st respondent – company to an interest bearing Fixed Deposit in any of the Nationalized Bank/Post Office wherever the 4th respondent was residing, for the next 14 years period. As and when the minor child Lasya attains the age of majority or otherwise, the said money is liable to be released to her or the 4th respondent. The interest accrued on the deposit, shall be made over to the 4th respondent once in every year before the end of April. So that the same will be utilized by the 4<sup>th</sup> respondent for the purpose of up keep, studies and maintenance of the daughter Lasya. Let this exercise be completed by respondent Nos.1 to 3 latest by 30.04.2015. The 1st petitioner and 4th respondent shall open an S.B.A/c in any of the Nationalized bank/post office, wherever they are

residing and leave the said information with the 1<sup>st</sup> respondent under registered post acknowledgment due. The proceeds payable to the 1st petitioner and the 4th respondent will accordingly be paid, directly to that account.”

2. The present Writ Petition was filed when the third respondent passed an order on 27.05.2016 providing for payment of monthly monetary compensation to the fourth respondent on the ground that the ratio applied in respect of terminal benefits should be applied with regard to payment of monthly monetary compensation also. But, this Court is not inclined to accept the contention of the petitioner, since the monthly monetary compensation is provided in lieu of employment, for which either the fourth respondent or her daughter only are entitled. The petitioner is obviously aged about 55 years and she cannot claim any employment. The interest of the petitioner is already protected by making a provision in the earlier round of litigation by this Court by providing 1/3<sup>rd</sup> of the retiral benefits. In the circumstances, this Court is not inclined to admit the present Writ Petition as it is misconceived.

3. The Writ Petition is, accordingly, dismissed. There shall be no order as to costs.

4. As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

A.  
Date: 26.07.2016  
Nsr

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**RAMALINGESWARA RAO, J**