

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P.No.6815 of 2017

1 Usharani
2 Shobana
3 Arthi ... Petitioners

Vs.

1 The Secretary to Government of Tamil Nadu
Transport Department
Fort St. George
Chennai

2 The Managing Director
Tamil Nadu State Transport Corporation (Salem) Ltd.
12 Ramakrishna Road
Salem 636 007

3 The General Manager
Tamil Nadu State Transport Corporation (Salem) Ltd.
12 Ramakrishna Road
Salem 636 007 .. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to disburse the terminal benefits of late J. Mathialagan (Conductor) to and in favour of the petitioners within a time frame.

For petitioners Mr. M. Selvam
For R1 Mr. K. Rajendra Prasad, Govt. Advocate
For RR 2 & 3 Mr. R.K. Gandhi, Standing Counsel

ORDER

Mr. K. Rajendra Prasad, learned Government Advocate, accepts notice for the first respondent and Mr. R.K. Gandhi, learned

Standing Counsel, accepts notice for respondents 2 and 3. With consent, this writ petition is taken up for final disposal at the admission stage itself.

2 The first petitioner is the wife and petitioners 2 and 3 are the daughters of late Mathialagan, who, while serving as Conductor in the respondent-Transport Corporation, breathed his last on 08.03.2016. After the demise of Mathialagan, the petitioners obtained legal heirship certificate on 13.04.2016 from the Tahsildar, Omalur and submitted a representation dated 20.02.2017 to the respondents 2 and 3 seeking disbursement of terminal benefits of the breadwinner of their family. Since the said representation has not been considered by the said authorities, the petitioners have preferred this writ petition, seeking disbursement of terminal benefits of late J. Mathialagan to and in their favour.

3 A perusal of the legal heirship certificate dated 13.04.2016 issued by the Tahsildar, Omalur, confirms that the petitioners are the legal heirs of the late Mathialagan, S/o Jagannathan. The death certificate issued by the City Health Officer, (I/c), Corporation of Chennai dated 22.03.2016 also reveals that the late Mathialagan is the husband of the first petitioner and the father of the petitioners 2 and 3. As Mathialagan died in harness on 08.03.2016, the petitioners have jointly made a representation on 20.02.2017 for disbursement of the retirement benefits of late Mathialagan.

4 Given the limited scope of the relief sought by the petitioners, this Court directs the second respondent to consider and pass orders on the petitioners' representation dated 20.02.2017, provided, the same is in order, in the light of the order dated 12.06.2015 passed by a Division Bench of the Madurai Bench of Madras High Court in W.A.No.(MD)Nos.383 to 457 of 2015, [K.Rajendran and others Vs. Tamil Nadu State Transport Corporation, represented by its Managing Director, Madurai-10 and 3 others] and disburse the retirement benefits of late Mathialagan, if any, provided, he has retired without any disciplinary proceedings pending against him, in 12 equal monthly instalments with the first instalment commencing from the first week of June 2017.

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With the above direction, this writ petition stands disposed of. Costs made easy.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

- 1 The Secretary to Government of Tamil Nadu
Transport Department
Fort St. George
Chennai
- 2 The Managing Director
Tamil Nadu State Transport Corporation (Salem) Ltd.
12 Ramakrishna Road
Salem 636 007
- 3 The General Manager
Tamil Nadu State Transport Corporation (Salem) Ltd.
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+1cc to Government Pleader SR.No.17953

+1cc to M.Selvam, Advocate SR.No.17381

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SDR 12.04.2017

सत्यमेव जयते

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