

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.18681 OF 2003

ORDER:

When the matter is taken up for hearing, none appeared for the petitioner in spite of the fact that the Writ Petition is posted under the caption, "For dismissal".

2. A perusal of the record discloses that the petitioner has filed this Writ Petition seeking terminal benefits of her late husband Mr. Basheer Ahmed who was an employee of the 1st respondent Corporation, being the 1st wife of the deceased employee. The 2nd respondent is also claiming the terminal benefits of the deceased employee, being the 2nd wife of the deceased employee. The 1st respondent Corporation, vide orders dated 28.12.2002 directed the petitioner to obtain Succession Certificate so as to enable them to disburse the terminal benefits to the petitioner. Challenging the same, the present Writ Petition is filed.

3. It is submitted by the learned Standing Counsel that pursuant to the interim orders granted by this Court on 27.10.2003, 50% of the service benefits were disbursed to the petitioner and her children. The issue is about the remaining 50% lying with the 1st respondent.

4. Since the 2nd respondent is also claiming to be the wife of deceased employee, ends of justice would be met if the 1st respondent is directed to pay the balance 50% of the service benefits to the 2nd respondent.

5. Accordingly, the Writ Petition is disposed of directing the 1st respondent to pay the remaining 50% of the service benefits lying with them to the 2nd respondent.

It is needless to observe that the 1st respondent shall communicate a copy of this order to the 2nd respondent so as to enable the 2nd respondent to claim the balance 50% of the service benefits.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI ,J

Date:18.12.2018

KPM

