

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.8162 OF 2002

ORDER

This writ petition is filed for the following relief:

“...to issue a writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the respondents in withholding the death ex-gratia amount of Rs.85,000/- of the deceased employee Mr.Md.Shabuddin, E.112281 and insisting upon the petitioner to produce Succession Certificate through his letter No.SBT-428/2000-2001/112281, dated 05.10.2001 as illegal, arbitrary, violative of principles of natural justice apart from violative of Articles 14, 16 and 21 of the Constitution of India and consequently direct the respondents herein to pay the death ex-gratia amount of Rs.85,000/- along with interest to the petitioner from the date of death of Mr.Shabuddin E.112281 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri Adullah Shareef, learned counsel appearing for the petitioner, Sri N.Vasudeva Reddy, learned Standing Counsel appearing for respondents 2 and 3 and Sri Nanda R.Rao, learned counsel appearing for the 1st respondent.

It is the case of the petitioner that her husband worked as Driver in the respondent-Corporation and while working as such, he died on 07.10.1999. The respondent-Corporation settled all the death benefits in favour of the petitioner. However, death *ex-gratia* amount was not disbursed to her by the 1st respondent on the ground that her name was not shown

in the nomination column in the accounts maintained by the respondent-Corporation. The 1st respondent *vide* proceedings dated 05.10.2001 advised the petitioner to obtain succession certificate from the competent Civil Court and on production of the said succession certificate, death ex-gratia amount would be released to her, as per by-laws. Hence, the present writ petition.

Learned counsel appearing for the petitioner submits that similar issue fell for consideration before this Court in *Chitrapu Chinabapanaiah and others v. Union of India*¹, and this Court has considered the said aspect and held that no succession certification can be issued under Section 370 of the Indian Succession Act, in relation to an amount awarded as compensation to a deceased-claimant.

Learned Standing Counsel appearing for the 1st respondent submits that if there is no nomination, the parties must obtain succession certificate, and then only the 1st respondent will pay the amounts payable to the family of the deceased employee.

Having considered the submissions made by the learned counsel on either side, this Court is of the considered view that since the respondent-Corporation has paid the death benefits in respect of the deceased employee, it is not known

¹ 2004(3) ALD 692

as to why the 1st respondent has not paid the death *ex-gratia* amount of Rs.85,000/- to the petitioner. Hence, it is appropriate to direct the 1st respondent to take into consideration the nomination submitted by the deceased husband of the petitioner in his service register in the respondent-Corporation.

Accordingly, the Writ Petition is disposed of directing the 1st respondent to take into consideration the nomination submitted by the deceased husband of the petitioner in the service register in the respondent-Corporation and pay the death *ex-gratia* amount of Rs.85,000/- and other benefits to the petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

20th August, 2018
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