

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.26337 OF 2017

ORDER:

1. This writ petition is filed seeking to issue a writ of mandamus declaring the action of the respondents in not releasing the full pension and other benefits of the petitioner's husband who died on 25.11.2014, as illegal and arbitrary, and consequently to direct the respondents to release the terminal benefits of the deceased employee.

2. Heard Sri G. Rajeshwar Rao, learned Counsel for the petitioner and Sri B.S. Prasad, learned Standing Counsel for the respondents.

3. It has been submitted by the learned Counsel for the petitioner that the petitioner's husband died on 25.11.2014, while he was in service and thereafter, the respondents have not settled the terminal benefits since there was a rival claim between the petitioner and the 2nd wife of the deceased employee. It has further been submitted by the learned Counsel for the petitioner that by way of settlement between the legal heirs of the deceased employee, the petitioner along with rival claimants of the deceased employee had submitted notarized application apportioning themselves the entitlement of pensionary benefits and that in terms of the settlement arrived at among the legal heirs of the deceased employee, the respondents may be directed to settle the terminal benefits.

4. The learned Standing Counsel for the respondents submits that the petitioner along with legal heirs of the deceased employee should come forward with an appropriate application for release of the terminal benefits of the deceased employee and so far, neither the petitioner nor any other legal heirs of the deceased employee had submitted appropriate

application for release of the pensionary benefits, and in fact, the bank has sent a reminder to the legal heirs of the deceased employee on 10.7.2015 to come up with appropriate application for release of the terminal benefits of the deceased employee.

5. If that being the case, the petitioner along with other legal heirs of the deceased employee may be directed to submit appropriate application to the respondents concerned in the format as prescribed by the respondent-Bank.

6. Accordingly, the petitioner along with other legal heirs of the deceased employee is directed to submit an appropriate application to the respondents concerned, within a period of two weeks from the date of receipt of a copy of this order. On such application being filed, the respondents concerned are directed to release the terminal benefits of the deceased employee to the legal heirs of the deceased in terms of the settlement arrived at among the legal heirs, and as per their eligibility, within a period of four weeks thereafter.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Justice Abhinand Kumar Shavili

Dated: 4.1.2018
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