

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee

Monday, the 09th day of **September**, 2019

LOK ADALAT AWARD

(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)
Presided over by

The Hon'ble Mr.JUSTICE S.MARIMUTHU (Retd.)

and

Member

Mrs. S.S.Jyothivani

W.P.No.20922 of 2018

Writ Petition filed under Article 226 of the Constitution of India directing the 1st respondent The Managing Director Metropolitan Transport Corporation Pallavan Illam Anna Salai Chennai - 600002 to disburse the death cum retiral benefits pension etc to the legal heirs of the deceased Mr. Haribabu served as a Conductor with E.D.P. No. C50539 viz. Mrs.P.Prasanna (1st Petitioner) 2 daughters Ms. H. Sushmitha (3rd respondent) and Ms.H.Nivedha (2ⁿ Petitioner) and Mrs. Vittabai (his Mother - 4th Respondent) taking the legal heir certificate issued by the headquarters Deputy Tahshildar Ambattur into consideration and pass such further orders or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioner : **Mr.C.Kanagaraaj**

For Respondent 1&2: Mr.M.Chidambaram

For Respondent 3&4: **Mr.P.Rajendran**

1.Mrs. P. Prasanna,

2. Ms.H. Nivedha

... Petitioners

Vs.

1.The Managing Director,
Metropolitan Transport Corporation,
Pallavan Illam, Anna Salai, Chennai - 600 002.

2.The Branch Manager,
Central Depot,
Metropolitan Transport Corporation,
Pallavan Illam, Anna Salai, Chennai - 600 002.

3. Ms. H.Sushmitha,D/o. Late. Haribabu

4. Mrs. S. Vittabai,
W/o. Vittabai

...Respondents

This case has been listed today and came up for settlement before the Lok Adalat. Both the Parties are present along with their respective counsel. After mutual discussion, negotiation, mediation and conciliation between both parties, they arrived at a compromise to settle the matter as follows:

ORDER

The Writ Petition No.20922 of 2018 pending on the file of High Court, Madras has been referred to Lok Adalat for conciliation on 03.01.2019.

2.The writ petition has been filed by the wife of the deceased conductor along with younger daughter opposing the respondents 1 & 2, Transport Officials, and the respondents 3 & 4 another daughter and mother of the deceased conductor respectively for a writ of mandamus directing the 1st respondent to disburse the death cum retiral benefits, pension etc., to the legal heirs of the deceased conductor.

3.The petitioners and the Respondents 3 & 4 along with their respective counsel are present.

4.This matter was once discussed with elaborately for settlement before the Lok Adalat I on 27.08.2019. As seen from the notes of the Hon'ble Judge, the settlement has been agreed by both parties tentatively. Now, the settlement between the parties has been slightly changed as per the following terms as agreed by both parties.

(i) Terminal Benefit of the deceased conductor shall be divided into 3 shares wherein one share shall go to the Mother of the deceased who is the 4th respondent herein and other 2 shares shall go to the 2nd petitioner and the 3rd respondent, children of the deceased conductor, equally.

(ii) So far as the Family Pension is concerned, arrears of the Family Pension shall be divided into equally to the

petitioners 1 & 2 and the 3rd respondent.

(iii) Regarding the Future Family pension is concerned, If the Family Pension is below Rs.6,000/-, the 1st petitioner, wife of the deceased shall pay Rs.2,000/- to the 3rd respondent. If it is exceeded above Rs.6,000/-, she will pay Rs.3,000/- to the 3rd respondent till the 3rd respondent is appointed on the compassionate Ground in Metropolitan Transport Corporation.

(iv) The 1st petitioner and the 2nd petitioner have no objection for the compassionate appointment in favour of the 3rd respondent.

(v) The 1st petitioner cannot claim any share in the immovable property of the deceased conductor if any.

5. The respondents 1 & 2 shall carry out the orders in favour of the parties within six weeks after receipt of the copy of this Order.

6. In view of the above, the Writ petition is disposed of accordingly.

Sd/-
1.Mrs. P. Prasanna,

Sd/- Sd/-
2. Ms.H. Nivedha ... Counsel for the Petitioners

Sd/-
1. Ms. H.Sushmitha, D/o. Late. Haribabu

Sd/- Sd/-
2.Mrs.S. Vittabai, W/o.Vittabai ... Counsel for the Respondents

This Lok Adalat award is passed in terms of the above settlement.

Sd/-
Judge

Sd/-
Member

Sd/-
Assistant Registrar(04/11/19)

***As per letter dt:20/12/2019**

Sd/-
Assistant Registrar(11/02/2020)

//True Copy//

Sub Assistant Registrar

To:

The parties/Advocate concerned

To:

1.The Metropolitan Transport Corporation(Chennai) Ltd.,
Pallavan Illam, Anna Salai,
Chennai - 600 002.

2.The Branch Manager,
Central Depot,The Metropolitan Transport Corporation
(Chennai) Ltd., Pallavan Illam,
Anna Salai, Chennai - 600 002.

3.The Secretary, High Court Legal Services Committee,
Chennai.

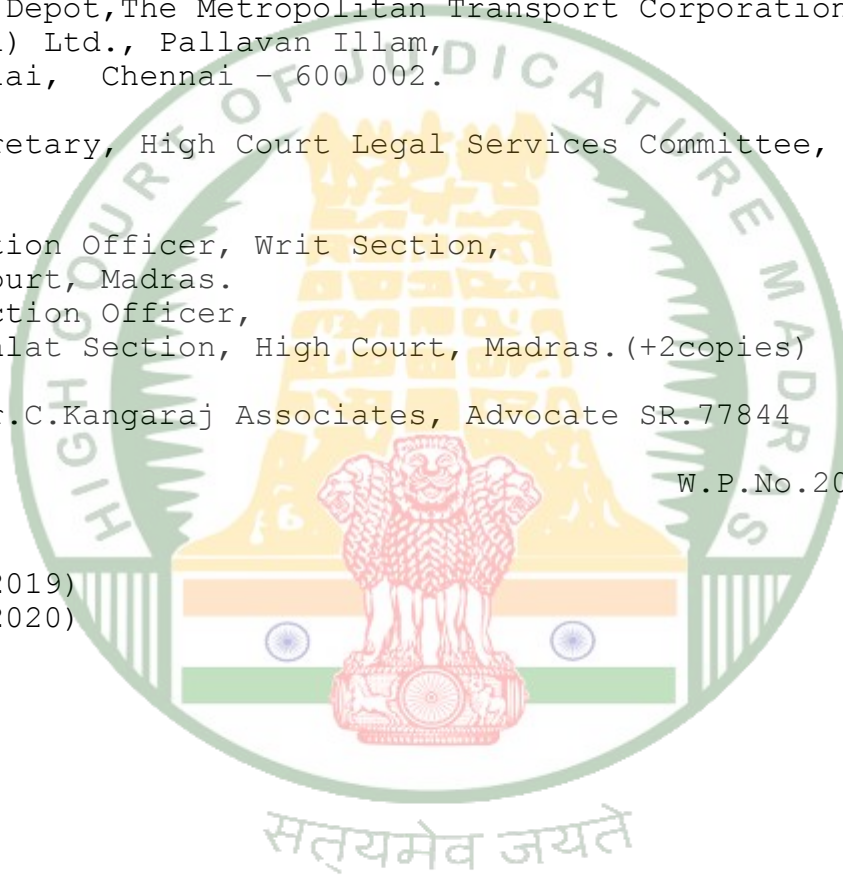
4.The Section Officer, Writ Section,
High Court, Madras.

5. The Section Officer,
Lok Adalat Section, High Court, Madras.(+2copies)

+1cc to Mr.C.Kangaraj Associates, Advocate SR.77844

W.P.No.20922 of 2018

SR(CO)
CB(04/11/2019)
CB(12/02/2020)



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