

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.21726 of 2019

Gowri

..Petitioner

vs

1. The Managing Director
Tamil Nadu State Transport Corporation,
Kanchipuram Division Head Office,
Kanchipuram Division,
Kancheepuram - 631502.
2. The General Manager
Tamil Nadu State Transport Corporation
Villupuram Limited,
Kanchipuram Division Head Office,
Kanchipuram Division,
Kancheepuram - 631502.
3. The Branch Manager,
Tamil Nadu State Transport Corporation (Villupuram Limited,
Kanchipuram Division,
Koyambedu Branch II,
Chennai.

.. Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to disburse the service benefits of the deceased employee V.Babu (Special Grade Driver, Service No.40948) worked at Koyambedu dibot-II and also to direct the respondents to consider the petitioner's claim to provide compassionate appointment for his son namely Siva pursuant to the representations dated 14.11.2018 and 29.01.2019.

For Petitioner : Mr.Govardhanan.V

For Respondents : Mr.R.Kulandaivelu
for Mr.Antony Arogyaraj

O R D E R

The prayer sought for in this Writ Petition is to direct the respondents to disburse the service benefits of the deceased employee V.Babu (Special Grade Driver, Service No.40948) worked at Koyambedu dibot-II and also to direct the respondents to consider the petitioner's claim to provide compassionate appointment for his son namely Siva pursuant to the representations dated 14.11.2018 and 29.01.2019.

2. The case of the petitioner is that her husband joined the service of the respondent corporation on 22.06.1985 and worked as Special Grade driver. On 27.07.2018, he passed away while in harness. The petitioner, claiming herself wife of the deceased employee, made representation for disbursement of terminal/service benefits of the deceased employee. However till date the amount was not disbursed. Hence the Writ Petition is filed.

3. The learned counsel appearing for the petitioner would submit that infact the State Government had sanctioned sufficient funds towards settlement of pending terminal benefits of the employees. He would also submit that in the present case even the petitioner, later came to know that no particulars regarding nominee were furnished by the deceased employee and the same was not recorded in the service register of the deceased employee and hence the respondents could not disburse the terminal benefits. However, the learned counsel for the petitioner would submit that in order to prove that the petitioner is the legal heir of the deceased employee she already made a representation along with legal heir certificate to the respondents. Therefore he would urge this Court that the respondents may be directed to disburse the terminal benefits based on the legal heir certificate produced by the petitioner.

4. In view of the fact that the State Government has already sanctioned sufficient funds towards settlement of terminal benefits of the employees in favour of the Transport Corporation, there is no impediment for the Transport Corporation to disburse the terminal benefits to the petitioner. The petitioner is directed to make a fresh representation to the respondents by enclosing legal heir certificate, within a period of 2 weeks from the date of receipt of copy of the order, on such representation being made by the petitioner, the respondents are directed to consider the same and pass appropriate orders within a period of 6 weeks thereafter.

5. With the above directions the Writ Petition is disposed of. However, it is made clear that this Court has not expressed any view in regard to grant of compassionate appointment and it

is open to the respondents/Competent Authority to decide the matter on merits. No costs.

Sd/-
Assistant Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

kan

To

1. The Managing Director
Tamil Nadu State Transport Corporation,
Kanchipuram Division Head Office,
Kanchipuram Division,
Kancheepuram - 631502.
2. The General Manager
Tamil Nadu State Transport Corporation
Villupuram Limited,
Kanchipuram Division Head Office,
Kanchipuram Division,
Kancheepuram - 631502.
3. The Branch Manager,
Tamil Nadu State Transport Corporation
(Villupuram Limited,
Kanchipuram Division,
Koyambedu Branch II,
Chennai.

+1cc to Mr.Govardhanan.V, Advocate, S.R.No.78889

+1cc to Mr.Antony Arogyaraj, Advocate, S.R.No.78909

W.P.No.21726 of 2019

MR (CO)
CS/31/10/2019

WEB COPY