



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD) No.1202 of 2019

- 1.T.Muneeshwari
- 2.T.Muneeshwaran
- 3.T.Banumathi
- 4.T.Mugendran

... Appellants/Writ Petitioners

Vs.

- 1.The Management of
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Rep. by its General Manager,
Karaikudi.
- 2.The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai -2.

... Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 26.02.2019 passed in W.P(MD)No.14472 of 2018 and consequently to allow the writ petition as prayed for.

Prayer in WP(MD). 14472/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the 1st respondent to pay the petitioners the terminal benefits namely, Gratuity, EPF, Encashment of Leaves, Death Benefit under Group Insurance Scheme, Social Security Scheme benefit, Refundable Deposits payable for the services the husband of the 1st petitioner/ deceased employee V.Thangaraj, staff No. 98CR3047, together with 18% interest per annum and further directing the 1st and 2nd respondents to pay the 1st petitioner family pension and arrears of family pension for the period from july 2016, together with 18% interest per annum, within a time frame as fixed by this Court.



For Appellants : Mr.S.Arunachalam
For Respondents : Mr.D.Sivaraman

JUDGMENT

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.S.Arunachalam, learned counsel appearing on behalf of the appellants and Mr.D.Sivaraman, learned standing counsel appearing on behalf of the respondent Corporation.

2. The first appellant Tmt.T.Muneeshwari, is the wife of late.V.Thangaraj, who was an erstwhile employee of the first respondent Corporation, who was working as a Conductor and died in harness. The second and fourth appellants are the sons of the deceased employee. The fourth appellant is the daughter. The family pension is yet to be released in favour of the first appellant and the terminal benefits payable to the deceased employee had not been released for the reason that the name of the third and fourth appellants differs in the service records of late.V.Thangaraj.

3. The leaned Writ Court disposed of the writ petition by the impugned order directing that the representation given by the appellants/writ petitioners is to be considered.

4. This has been considered and an order has been passed on 01.10.2019 directing the appellants to produce a certificate to show that the third appellant T.Banumathi is none other than T.Suvitha Banu and the fourth appellant T.Mugendran is none other than T.Moovendran.

5. We are of the view that there will not be any difficulty for the appellants to produce necessary documents and obtain a certificate from the Tahsildar concerned, who will be able to make local verification and certify that both the persons are one and the same and however, this may not be a reason to deny the family pension to the first appellant.

6. Therefore, we are inclined to dispose of this writ appeal by directing the third and fourth appellants to produce necessary documents before the Tahsildar concerned and obtain a certificate as directed by the first respondent Corporation vide communication dated 01.10.2019. In the meantime, the second respondent Corporation shall sanction and pay family pension to the first appellant.



7. It is admitted that there is no dispute with regard to the claim of the second appellant. However, for the present, the same may be kept in abeyance and disbursed along with the amount payable to the appellants 3 and 4, which shall be done after the certificate is produced. Accordingly, we are inclined to issue the following directions:

(1) the second respondent shall sanction and pay family pension to the first appellant;

(2) The appellants 3 and 4 are directed to produce necessary certificate from the Tahsildar as directed by the first respondent vide communication dated 01.10.2019. As and when such certificate is produced, the first respondent shall take note of the same and disburse all the terminal benefits due and payable to late.V.Thangaraj in the name of the first appellant, who shall receive it for and on behalf of herself and other three legal heirs. In this regard, the appellants 2 to 4 shall execute a No Objection Letter conveying their no objection for the first appellant to receive the terminal benefits due and payable to late.V.Thangaraj;

(3) The family pension shall be sanctioned within a period of four weeks from the date of receipt of a copy of this judgment; and

(4) The terminal benefits shall be disbursed to the appellants within a period of eight weeks from the date on which the requisite certificate obtained from the Tahsildar is produced by the appellants 3 and 4.

With the above directions, this writ appeal is disposed of. No Costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

pm

+1CC TO MR.D.SIVARAMAN, Advocate Sr. No. 97825

JUDGMENT MADE IN

W.A. (MD) No.1202 of 2019

12.11.2019

KMV (CO)

TR (04.12.2019) 3P 2C

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