



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 06.09.2019**

**CORAM:**

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

**W.P. (MD) No.19346 of 2019**

**WEB COPY**

S.Kudiyarasi

... Petitioner

-Vs-

1. The General Manager,  
State Express Transport Corporation T.N.Ltd.,  
Pallavan Salai, Chennai-600 002.

2. The Branch Manager,  
State Express Transport Corporation T.N.Ltd.,  
TVS Tolgate, Tiruchirapalli-620 020.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse entire terminal and other death benefits and family pension of the petitioner's deceased husband Mr.Sriram, who was employed as S.G.Driver in the respondents Corporation to the petitioner in accordance with the nomination made by the deceased within the time fixed by this Court.

For Petitioner : Mr.H.Arumugam  
For Respondents : Mr.K.Sathiyasingh

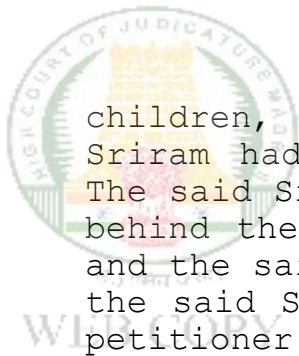
**ORDER**

Heard Mr.H.Arumugam, learned counsel appearing on behalf of the writ petitioner and Mr.K.Sathiyasingh, learned counsel, who takes notice on behalf of the respondents.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.This Writ Petition has been filed for a direction to direct the respondents to disburse entire terminal and other death benefits and family pension of the petitioner's deceased husband, namely, Sriram, who was employed as S.G. Driver in the respondents Corporation, to the petitioner, in accordance with the nomination made by the deceased.

4.The writ petitioner is a widow of one Sriram, who was employed as S.G. Driver in the respondents Transport Corporation from 07.06.1986. According to the petitioner, the said Sriram married the petitioner, after death of his first wife. Through their wedlock, the petitioner and the said Sriram had two male



children, namely, S.Dinesh Babu and S.Aravind Kumar. The said Sriram had one son by name Sathiamoorthi through his first wife. The said Sriram died on 08.09.2011, while he was in service, leaving behind the writ petitioner, her two children and her mother-in-law and the said Sathiamoorthi as his legal heirs and the whereabouts of the said Sathiamoorthi is not known to anyone. The husband of the petitioner has nominated the petitioner to receive all the terminal benefits and also family pension. The respondents erroneously deducted 50% of the terminal benefits payable to the husband of the petitioner, as though the said Sathiamoorthi, son of her husband through first wife, is entitled to half share and the petitioner is entitled to half share. There are five legal heirs, including Sathiamoorthi and Sathiamoorthi is entitled to 1/5 share. The respondents have also not paid Provident Fund to the legal heirs and family pension to the petitioner. Therefore, the petitioner has given representation to the respondents and the same is not considered and no order is passed thereon. Hence, the petitioner has come out with the present Writ Petition.

5.The petitioner has produced legal heirship certificate, wherein it has been stated that the petitioner, her two sons and her mother-in-law are the legal heirs of the deceased Sriram. The petitioner admits that Sathiamoorthi, S/o. Sriram through his first wife, is also a legal heir of her husband. As there are five legal heirs, the respondents erroneously paid only 50% of terminal benefits to the petitioner. The petitioner and her two sons are entitled to 3/5 of terminal benefits, her mother-in-law and the said Sathiamoorthi are entitled to 1/5 share each.

6.In view of the legal heirship certificate, the respondents are directed to pay 3/5 of terminal benefits to the petitioner and her two sons and 1/5 of terminal benefits to the mother-in-law of the petitioner and remaining 1/5 share to the said Sathiamoorthi, S/o. Sriram, through his first wife. If no claim is made by the said Sathiamoorthi, within a period of one year, the respondents are directed to pay  $\frac{3}{4}$  of terminal benefits to the petitioner and her two sons and  $\frac{1}{4}$  of terminal benefits to the mother-in-law of the petitioner. The respondents are further directed to grant family pension to the petitioner with arrears, within a period of eight (8) weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar

// True Copy //



To

1. The General Manager,  
State Express Transport Corporation T.N.Ltd.,  
Pallavan Salai, Chennai-600 002.

2. The Branch Manager,  
State Express Transport Corporation T.N.Ltd.,  
TVS Tolgate, Tiruchirapalli-620 020.

+1 CC to MR.H.ARUMUGAM, Advocate ( SR-85945[F] dated 09/09/2019 )

**W.P. (MD) No.19346 of 2019**  
**06.09.2019**

**MYR**

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