



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.19349 of 2019

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R.Pushpam

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Transport (C-2) Department,
Secretariat, Chennai.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Kumbakonam,
Thanjavur District.
- 3.The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Karaikudi,
Sivagangai District.
- 4.The Branch Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Mudhukulathur Branch,
Ramanathapuram District.

5.S.Selvi

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents Nos.1 to 4 to dispose the petitioner's Representation dated 26.07.2019 and to pay the death benefits of her son R.Sakthivel (Employment No.13TH3083) to the petitioner.

For Petitioner : Mr.D.Senthil

For R1 : Mr.S.Dhayalan,
Govenment Advocate

For R2 to R4 : Mr.P.Balasubramanian

For R5 : Mr.M.S.Jeyakarthick



ORDER

This writ petition is filed for a direction to the respondents Nos.1 to 4 to dispose of the petitioner's Representation dated 26.07.2019 and to pay the death benefits of her son R.Sakthivel (Employment No.13TH3083) to the petitioner.

2. According to the petitioner, she is mother of one Sakthivel, who died, while he was in employment under the fourth respondent on 03.08.2018. The fifth respondent and her son names were recorded in the Service Register of the petitioner's son. The fifth respondent is not a legally wedded wife of the petitioner's son. The fifth respondent was already married with one Shanmuganathan and she is having one son. While so, after the death of her son viz., R.Sakthivel, the fifth respondent approached the petitioner and obtained signature from her on the assurance that she will pay the death benefits to the petitioner after receiving the same from the third respondent transport corporation and undertook to permit the petitioner to visit her grand-son. The fifth respondent failed to keep up her assurance and not permitted the petitioner to visit her grand-son. Therefore, the petitioner has given a representation on 05.12.2018 to the second respondent requesting not to pay the entire benefits to the fifth respondent. The second respondent by the proceedings dated 12.12.2018 informed the petitioner that issuance of death benefits was stopped and directed the petitioner to submit the application with full particulars. Thereafter, the petitioner has submitted an application on 26.07.2019 and requesting to pay the death benefits of her deceased son to him and further requested to enroll the name of her grand-son in the compassionate appointment. The respondents have not passed any orders on the representation and no amount was paid to the petitioner. Hence, the petitioner has come out with the present writ petition.

3. The learned counsel appearing for the fifth respondent submitted that the fifth respondent is legally wedded wife of the son of the petitioner and her name is recorded in the Service Register of the deceased employee. The fifth respondent is willing to pay some amount to the petitioner.

4. Heard the learned counsel appearing for the petitioner, Mr.S.Dhayalan, learned Government Advocate appearing for the first respondent, Mr.P.Balasubramanian, learned counsel appearing for the respondents 2 to 4 and Mr.M.S.Jeyakarthick, learned counsel appearing for the fifth respondent and perused the materials available on record.

5. From the materials on record, it is seen that both the petitioner and the fifth respondent claiming terminal benefits



payable to the deceased employee. The petitioner is disputing the status of the fifth respondent as a wife of her son Sakthivel, whereas the fifth respondent is claiming that she is the legally wedded wife of deceased employee Sakthivel. This disputed question of fact cannot be decided in the writ proceedings. The petitioner has already given a representation dated 26.07.2019. In view of the rival contentions, the petitioner and the fifth respondent are directed to submit vital documents to substantiate their claim to the third respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such documents, the third respondent is directed to consider the representation of the petitioner dated 26.07.2019 after issuing notice to the petitioner and the fifth respondent, by affording an opportunity of hearing to them and pass orders on merits and in accordance with law and pay the eligible amounts to the petitioner, fifth respondent and her son, within a period of twelve weeks thereafter.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Secretary,
Transport (C-2) Department,
Secretariat, Chennai.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Kumbakonam,
Thanjavur District.
- 3.The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Karaikudi,
Sivagangai District.



4.The Branch Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Mudhukulathur Branch,
Ramanathapuram District.

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+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-92986[F] dated 18/10/2019)

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-93070[F] dated 18/10/2019)

+1 CC to M/s.SPL GP (SR-93250[F] dated 21/10/2019)

+1 CC to M/s.D.SENTHIL, Advocate (SR-93714[F] dated 22/10/2019)

W.P. (MD)No.19349 of 2019
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