

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.09.2020

CORAM:

THE HON'BLE MR. JUSTICE V.PARTHIBAN

WP No.8810 of 2020

Jasmine

.. Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation (TNSTC),
Head Office, No.37, Mettupalayam,
Coimbatore – 43.

2. The Assistant Manager,
Personnel Department-II,
Tamil Nadu State Transport Corporation (TNSTC),
Coimbatore.

.. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents herein to include my name Jasmine and (2) my son's name i.e. Mohammed Sharukhan as Nominees and Legal Heirs of my deceased husband K.Shankhan in the Service Register maintained by the respondents and direct them to disburse all the monetary benefits i.e. Provident Fund, Pension, Gratuity, Leave Salary and other amounts payable by the respondents in my favour on the basis of my representation dated 03.03.2020 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Neelakandan

For Respondents : Mr.A.Sundaravadanam
Standing Counsel for TNSSTC.

ORDER

This matter is taken up today, through Web hearing.

2. The writ petition has been filed seeking for the following prayer:

“for issuance of Writ of Mandamus, directing the respondents herein to include my name Jasmine and (2) my son's name i.e. Mohammed Sharukhan as Nominees and Legal Heirs of my deceased husband K.Shankhan in the Service Register maintained by the respondents and direct them to disburse all the monetary benefits i.e. Provident Fund, Pension, Gratuity, Leave Salary and other amounts payable by the respondents in my favour on the basis of my representation dated 03.03.2020 within the time stipulated by this Hon'ble Court.”

3. The case of the petitioner is that her husband, who was working as a Driver in the respondent Corporation died on 28.10.2019, leaving the petitioner, the wife and their 4 year old son. The petitioner has also obtained Tahsildar certificate, certifying her and her 4 year old son as the

legal heirs of K.Shankhan, the deceased employee of the Corporation.

4. The grievance of the petitioner is that since her name is not entered into the Service Register as a nominee, the monetary benefits towards PF, Pension, Gratuity, Leave Salary, etc., on the death of her husband were not settled and in that regard the petitioner has submitted a representation on 03.03.2020. Since no action was taken, the petitioner is before this Court.

5. In response to the notice, Mr.A.Sundaravadanam, learned Standing Counsel for TNSCTC, has entered appearance and a counter affidavit has been filed.

6. When the matter was taken up for hearing in the last occasion, the learned counsel for the Corporation would submit that the petitioner, has to produce the relevant documents in support of her claim for entering her name in the Service Register of her deceased husband and on production of such documents to the satisfaction of the Corporation, would take further action for disbursement of the death benefits to the petitioner.

7. On such submission being made, the learned counsel appearing for the petitioner was directed to instruct the petitioner to submit the original documents to the satisfaction of the Corporation, as required by them.

8. When the matter is taken up for hearing today, it is acknowledged by the counsels appearing on either side that the petitioner has produced the relevant documents to the satisfaction of the Corporation and her name is also being entered into the Service Register pertaining to the deceased employee, the husband of the petitioner. It is also stated, the the claim of the petitioner, consequently, has been forwarded to the Pension Paying Authority for early disbursement of the death benefits, due to the deceased husband of the petitioner.

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9. The learned counsel for the Corporation would also submit that any direction is issued in this regard and eight weeks time if given, the final orders would be passed towards disbursement of the benefits due to the petitioner.

10. The learned counsel for the petitioner is also agreeable for such direction to be issued, for disposing of the writ petition.

11. Considering the above submission and also taking note the above said fact that the eventual disbursement of the monetary benefits due to the petitioner on the death of her husband is in the final stage, the writ petition is disposed of with the direction as under:

(i) The respondents are directed to follow up the claim of the petitioner and ensure that orders are passed by the competent authority, for early release of all the monetary benefits, which are due and payable to the petitioner, on the death of her husband, and not later than eight weeks from the date of receipt of a copy of this order.

(ii) Since the matter pertains to the death benefits, the respondents are directed to ensure that the time stipulated hereinabove is complied with, without any further delay.

12. The writ petition is disposed of, as indicated above. No Costs.

07.09.2020

Speaking/Non-speaking order

Index: Yes/No

Internet: Yes

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V.PARTHIBAN, J.,

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To

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