



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2020

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No. 15310 of 2020

and

W.M.P.No.19140 of 2020

R.Kumari.

..Petitioner

vs.

1. The Secretary,
Transport Department,
Fort St.George,
Chennai-600 009.
2. The Administrator,
Tamil nadu Transport Corporation
Employees Pension Fundm Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.
3. The Managing Director,
Metropolitan Transport Corporation,
Office of the Metropolitan Transport Corporation,
Anna Salai, '
Chennai - 600 002.
4. The Branch Manager,
Metropolitan Transport Corporation,
Perambur Work Shop,
Chennai - 600 011.
5. R.Babi,
W/o R.Rajasekaran,
No.5/19, Dhanapal Street,
West Mambalam,
Chennai - 600 033.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 to 4 herein to sanction the death, terminal benefits, family pension to the petitioner (widow of deceased employee late R.Rajasekaran D50820) and commutation amount with arrears and interest and continues to pay family pension to the petitioner.



For Petitioner : Mr.C.Venkatesan
For Respondents : Mr.D.Venkatesan,
Additional Government Pleader for R1
No appearance for R2 to R5

WEB COPY

O R D E R

The matter is taken up through web hearing.

2. This writ petition has been filed seeking for issuance of Writ of Mandamus to direct the respondents 1 to 4 herein to sanction the death, terminal benefits, family pension to the petitioner (widow of deceased employee late R.Rajasekaran D50820) and commutation amount with arrears and interest and continues to pay family pension to the petitioner.

3. The petitioner claims herself to be the second wife of one Rajasekaran who had been employed as a driver under the respondent Corporation. According to the petitioner, the 5th respondent is the first wife of the said Rajasekaran. The husband of the petitioner herein committed suicide on 15.10.2019 and on his death, the petitioner claims the retirement benefits due and payable to her so called husband.

4. The writ petitioner herself has made the first wife of the deceased Rajasekaran as a party in the writ petition and averred in the affidavit about the dispute in the family regarding the relationship and in fact, the petitioner herself claiming to have married the deceased Rajasekaran only on 12.08.2018.

5. This Court is unable to find any details as to whether the marriage between the petitioner and the said Rajasekaran was legal and what happened to the first marriage and in what capacity the petitioner is now making her claim for the retirement dues of the deceased Rajasekaran. The affidavit is completely bald and bereft of any material details and even on the basis of the sketchy averment, it could be seen that there appears to a dispute between the petitioner and the 5th respondent and other legal heirs and such dispute cannot be resolved by this Court which is exercising extraordinary jurisdiction under Article 226 of the Constitution of India. In a case of this nature, the legal heirship has to be settled first before any claim could be made to the employer. Such dispute, with regard to, who are the legal heirs, cannot be the subject matter of controversy before this Court.

6. Therefore, this Court finds that the writ petition is not maintainable. However, it is always open to the petitioner to



work out her remedy in a manner known to law in support of her claim.

7. The Writ Petition is therefore dismissed. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Transport Department, Fort St.George,
Chennai-600 009.
2. The Administrator,
Tamil nadu Transport Corporation
Employees Pension Fundm Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.
3. The Managing Director,
Metropolitan Transport Corporation,
Office of the Metropolitan Transport Corporation,
Anna Salai, Chennai - 600 002.
4. The Branch Manager,
Metropolitan Transport Corporation,
Perambur Work Shop, Chennai - 600 011.

+1cc to Mr.C.Venkatesan, Advocate in SR.NO..35004

+1cc to the Government Pleader, in SR.NO..35480

W.P.No. 15310 of 2020

VG-II(CO)
RV(01/12/2020)