

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.26864 of 2014
& MP.No.1 of 2014

Mallika

...Petitioner

-Vs-

The Chairman,
Chennai Port Trust,
Rajaji Salai, Chennai - 600 001.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first and second Respondents to sanction and disburse the terminal benefits of the deceased P.Krishnamurthy Token No.3156 Mazdoor (P&C) Chennai Port Trust and the consequential pensionary benefit from the date of his death (i.e. 11.06.2001).

For Petitioner: Mr.M.Baskaran
For Respondent: Mrs.Sudharsha Sunder

ORDER

According to the petitioner, her husband by name P.Krishnamurthy was working as Mazdoor having Token No.3156 in the respondent Port Trust. While he was in service, he died on 11.06.2001, leaving behind the petitioner / wife as his only surviving legal heir. The petitioner applied for terminal benefits of her husband, to which, she received a reply dated 09.04.2009 from the respondent, directing her to produce the succession certificate from the competent civil court. Accordingly, she filed a suit in O.S.No.4211/2009 before the XVII Assistant City Civil Court, Chennai, which was decreed exparte, thereby declaring the petitioner as the legal heir of the deceased Krishnamurthy and directing the respondent to pay terminal benefits to her. No appeal was preferred by either of the defendants against the said exparte decree passed by the civil court. Thereafter, the petitioner approached the respondent along with a copy of the said order passed in the civil suit. However, no fruitful result was forthcoming. Hence, this writ petition has been filed seeking a direction to the respondent to sanction and disburse the terminal benefits of her husband to the petitioner.

2.The learned counsel for the petitioner submitted that though the respondent vide letter dated 28.11.2012, directed the petitioner to produce the original order passed by the civil court in her favour and the same was also duly submitted by her on 03.12.2012, no steps have been taken to pay terminal benefits to the petitioner; and the petitioner finds it difficult to eke out her livelihood, due to the sudden death of the deceased; and hence, the respondent may be directed to disburse the terminal benefits at the earliest.

3.On the other hand, the learned counsel for the respondent fairly submitted that the claim of the petitioner would be considered by the respondent on merits, within a time frame to be stipulated by this Court.

4.Considering the facts and circumstances of the case, more particularly, that the petitioner already obtained a civil court decree in her favour with respect to disbursement of terminal benefits of her husband viz., P.Krishnamurthy, and also having regard to the settled legal position that the benefit due to the petitioner is a valuable right of the deceased employee and the same is no more considered to be a bounty to be handed out by the respondent at their whims, this Court directs the respondent to consider the claim of the petitioner in the light of the documents furnished by her, if not already considered, and pass appropriate orders, on merits, within a period of six weeks from the date of receipt of a copy of this order.

5.With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VII)

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Sub Assistant Registrar

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To
The Chairman,
Chennai Port Trust, Rajaji Salai, Chennai - 600 001.

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&

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PL (CO)

RG.26.04.2021 (2P.2C)