



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P. (MD)No.7551 of 2015

and

M.P. (MD)Nos.2 and 3 of 2015

WEB COPY

1. V.Puvaneshwari

2. V.Vishnu

... Petitioners

versus

The Management of
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Pudukottai Region,
Rep. by its General Manager,
Pudukottai.

... Respondent

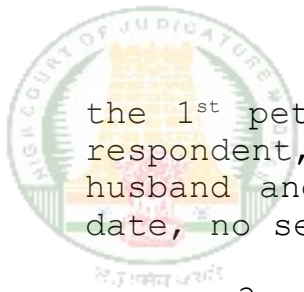
Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, to direct the respondent to declare G.Vellaisamy, Staff No.13 CR 871, was a permanent workman of the respondent Corporation at the time of his death on 21.04.2014 and consequently direct the respondent to pay all death and terminal/pension benefits payable for his services by treating him as permanent employee in all respects and also all dues payable to him, to the petitioners with interest at the rate of 16% p.a. and further, to direct the respondents to give compassionate appointment to the 1st petitioner.

For Petitioner	:	Mr.S.Arunachalam
For Respondent	:	Mr.D.Sivaraman, Standing Counsel

ORDER

This writ petition has been filed seeking for the issuance of a writ of mandamus, to direct the respondent to declare that G.Vellaisamy, Staff No.13 CR 871, was a permanent workman of the respondent Corporation at the time of his death, i.e. on 21.04.2014 and consequently, direct the respondent to pay all death and terminal/pension benefits payable for his services by treating him as permanent employee in all respects and all dues payable to him, to the petitioners with 16% interest p.a. and further to direct the respondent to give compassionate appointment to the 1st petitioner.

2. The first petitioner's husband was appointed as a Conductor in the respondent Corporation, on temporary basis, in the year 2012. The first petitioner's husband, while he was in service, died on 21.04.2014, by committing suicide. According to the first petitioner, her husband had completed 240 days and he had already attained permanent status before the date of his death. Therefore,



the 1st petitioner submitted a representation on 15.10.2014 to the respondent, requesting to pay terminal benefits payable to her husband and give appointment on compassionate grounds. But, till date, no settlement was made. Hence, the writ petition is filed.

3. The learned counsel for the petitioners would submit that though the respondent has not passed any orders with regard to the permanent status of the 1st petitioner's husband, he is entitled to be made permanent on completion of 240 days. Accordingly, terminal benefits and compassionate appointment have to be given to the first petitioner.

4. Per contra, the learned counsel for the respondent would submit that the first petitioner's husband committed suicide, while he was in service and now, a permanent order was passed on 08.01.2021, granting permanent status to the first petitioner's husband with effect from 01.04.2014. Hence, the petitioners are entitled for terminal benefits.

5. Considering the submission made by the learned Standing Counsel for the respondent, this Court directs the respondent Transport Corporation to settle the eligible terminal benefits to the petitioners in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. This Court further directs that if the scheme provides for compassionate appointment, the same shall be considered in accordance with law.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

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/ /2021

Sub Assistant Registrar(CS)

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To

The Management of

Tamil Nadu State Transport Corporation(Kumbakonam) Ltd.,
Pudukottai Region,Rep. by its General Manager,Pudukottai.

+1 CC to M/s.S.ARUNA CHALAM, Advocate (SR-2078[F] dated 25/01/2021)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-1589[F] dated 21/01/2021)

W.P. (MD)No.7551 of 2015

21.01.2021

(MA) CO

AP(24/02/2021) 2P 4C

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