



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2022

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.5136 OF 2022

R.Sharmiladevi

... Petitioner

-Vs-

1. The Managing Director,
The Tamilnadu State Transport Corporation,
Villupuram Division,
No.3/137, Salamedu Vazhuthareddy,
Villupuram - 605 602.
2. The Assistant Manager,
(Payment and Administration),
The Tamil Nadu State Transport Corporation,
Villupuram.
3. Rajeswari
4. Rajesh

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First and Second Respondents to consider the Petitioner's representation dated 23.06.2021 consequently direct the First and Second Respondents to disburse Petitioner's husband Raja's death benefits.

For Petitioner : Mr.S.N.Subramani

For Respondents : Mr.G.Saravana Kumar
Standing Counsel
(For R1 & R2)

O R D E R

Heard Mr.S.N.Subramani, Learned Counsel for the Petitioner and Mr.G.Saravanakumar, Learned Standing Counsel, who takes for the First and Second Respondents, and perused the materials placed on record, apart from the pleadings of the parties.



2. The Petitioner claims to have married one Raja on 13.10.1993 and had begotten two children through him. According to her, the said Raja was in the employment of the First Respondent and on his demise on 06.08.2022, she was entitled to receive his terminal benefits, but the same have not been granted on account of the rival claim made by the Third and Fourth Respondents, who have filed a civil suit in O.S. No. 53 of 2021 before the District Munsif Court, Villupuram impleading the Petitioner as the First Defendant seeking the following reliefs:-

- "a) declaring that the Plaintiffs, along with Second and Third Defendants are the legal heirs of deceased Raja, the employee of the Fourth Defendant in Card No.SR1271;
- b) declaring the Plaintiff's entitlement to half share in the monetary and service benefits accrued on the employment of deceased Raja, Card No.SR1271 such as Provident Fund, Gratuity, Family Pension etc., and the benefits of monthly pension to the First Plaintiff and a job on compassionate grounds to the Second Plaintiff from the Fourth Defendant;
- c) granting permanent injunction restraining the Fourth Defendant, his men and agents or servant from disbursing the Plaintiff's half share in the monetary and service benefits accrued on his employment such as Provident Fund, Gratuity, Family Pension etc., and the benefits of monthly pension and a job on compassionate grounds to the First to Third Defendants or to anyone other than the Plaintiffs;
- d) directing the Defendants to pay the cost of the suit;"

The Writ Petition has been filed for directing the First and Second Respondent to consider the representation dated 23.06.2021 made by the Petitioner to disburse the terminal benefits payable to the said Raja.

3. Since disputed questions of fact are involved on the rival claims of the Petitioner and the Third and Fourth Respondents requiring examination of witnesses and production of documents to substantiate it, the proper recourse would be to relegate the parties in that pending suit without expressing any view by this Court in the matter.



4. In such circumstances, the Writ Petition is disposed on the following terms:-

- (i) the Petitioner and the Third and Fourth Respondents shall work out their rights in the suit in O.S.No.53 of 2021 before the District Munsif Court, Villupuram and depending upon its outcome, the First and Second Respondents shall take necessary action for the disbursement of the terminal benefits of the deceased employee;
- (ii) in the interregnum, the First and Second Respondents shall determine the eligible amount of terminal benefits of the deceased employee and invest the same in an interest fetching fixed deposit in any Nationalized Bank initially for a period of one year and renewable automatically from time to time till final decision is taken in the matter so that the benefit of accrued interest would enure to the concerned parties during the pendency of the litigation;
- (iii) the District Munsif Court, Villupuram shall ensure that there is atleast one effective hearing in O.S. No. 53 of 2021 every fortnight showing progress of the case and quarterly reports in that regard shall be filed before the Registrar (Judicial) of this Court; and
- (iv) there shall be no orders as to costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Maya

To

1. The Managing Director,
The Tamil Nadu State Transport Corporation,
Villupuram Division,
No.3/137, Salamedu Vazhuthareddy,
Villupuram - 605 602.
2. The Assistant Manager,
(Payment and Administration),
The Tamil Nadu State Transport Corporation,
Villupuram.



3. The Presiding Officer,
District Munsif Court,
Villupuram.

Copy To:-

1. R.Sharmiladevi,
W/o.Late Raja,
V.Pagandai Village,
Vakkur Post,
Vikravandi Taluk,
Villupuram District.
2. Rajeswari,
W/o.Senthilnathan,
No.3, 37th Main Raod,
Ambedkar Nagar,
Chidambaram,
Cuddalore District.
3. Rajesh,
S/o.Senthilnathan,
No.3, 37th Main Raod,
Ambedkar Nagar,
Chidambaram,
Cuddalore District.
4. The Registrar (Judicial),
High Court of Madras,
Chennai - 600 104.

+1cc to Mr.S.N.Subramani, Advocate, S.R.No.15426
+1cc to Mr.G.Saravana Kumar, Advocate, S.R.No.15434

W.P.NO.5136 OF 2022

SPD(CO)
PBS/06/04/2022