



W.P.No.10840 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10840 of 2019
and W.M.P.No.2050 of 2021

S.Agalya

...Petitioner

Vs.

- 1.The Secretary,
Transport Department,
Fort St. George,
Chennai – 600 009.
- 2.The Managing Director,
Metropolitan Transport Corporation,
Pallavan Salai,
Chennai – 600 002.
- 3.The Branch Manager,
Metropolitan Transport Corporation,
Chennai Division (ii), Vyasarpadi Depot,
Chennai – 600 039.
- 4.Vasantha Kumar
- 5.Ranjith Kumar
- 6.Thiripurasundari @ Sundari



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7. The Commissioner of Revenue Administration,
Ezhilagam,
Chepauk,
Chennai.

..Respondents

[R7 *suo motu* impleaded dated 11.10.2022 made in W.P.No.10840 of 2019]

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 2nd and 3rd respondents to provide a job in Metropolitan Transport Corporation on compassionate ground as the petitioner's deceased husband R.Sekar, Driver in Metropolitan Transport Corporation, Staff No. D25351 in Vyasarpadi Depot died on 23.4.2018 while in service and to provide the proportionate share of the terminal benefits of the petitioner's deceased husband R.Sekar as early as possible.

For Petitioners : M/s.A.Subadra

For Respondents : Mr.D.Gopal
Government Advocate for R1

Mr.Vinoth Raj for R2 & R3

Mr.K.Kesavan for R4 to R6



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ORDER

The relief sought for in the present writ petition is to direct the 2nd and 3rd respondents to provide a job in Metropolitan Transport Corporation on compassionate ground as the petitioner's deceased husband R.Sekar, Driver in Metropolitan Transport Corporation Staff No. D25351 in Vyasarpadi Depot, died on 23.4.2018 while in service and to provide the proportionate share of the terminal benefits of the petitioner's deceased husband R.Sekar as early as possible.

2.The petitioner states that she married one Mr.R.Sekar, who was employed as a Driver in the Metropolitan Transport Corporation. The marriage between the petitioner and the deceased employee was solemnized on 20.04.2000. The husband of the writ petitioner died on 23.04.2018 and thereafter, the petitioner submitted an application to settle the terminal and pensionary benefits and also provide appointment on compassionate grounds. The Legal Heir Certificate issued by the petitioner was disputed by the respondents 4, 5 and 6 and the authorities also found that the Legal Heir



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Certificate dated 04.06.2018 did not contain the names of the respondents 4, 5 and 6 who are also the legal heirs of the deceased employee Mr.R.Sekar. When the Legal Heir Certificate issued by the Tahsildar is found to be defective and all the legal heirs of the deceased employee have not been included in the Legal Heir Certificate, the respondent authorities have not considered the case of the writ petitioner for settlement of terminal and pensionary benefits due to the deceased employee.

3. Whenever there is a family dispute exists between the legal heirs of the deceased employee, it is for the said legal heirs to resolve the issues and thereafter, submit the relevant documents to the authorities competent for the purpose of settlement of terminal and pensionary benefits due to the deceased employee. In the presence of family dispute, the authorities may not be in a position to settle the monetary benefits. In the present case, the respondents 4, 5 and 6 are also the legal heirs of the deceased employee and therefore, the petitioner has to submit all the relevant documents and comply with the conditions for the purpose of settlement of terminal and pensionary benefits and



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in the event of submitting all the necessary documents, the respondents 1 to 3 are bound to consider the same and take an appropriate decision on merits and in accordance with law.

4. Accordingly, this writ petition stands disposed of. No Costs.

Consequently, connected miscellaneous petition is closed.

18.10.2022

Index : Yes
Internet : Yes
Speaking order : Yes
ssr

To

1. The Secretary,
Transport Department,
Fort St. George,
Chennai – 600 009.
2. The Managing Director,
Metropolitan Transport Corporation,
Pallavan Salai,
Chennai – 600 002.



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S.M.SUBRAMANIAM, J.

SSR

3.The Branch Manager,
Metropolitan Transport Corporation,
Chennai Division (ii), Vyasarpadi Depot,
Chennai – 600 039.

4.The Commissioner of Revenue Administration,
Ezhilagam,
Chepauk,
Chennai.

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