



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.17290 of 2018

(Through Video Conference)

T.Anna Kili

...Petitioner

-Vs-

1. The Managing Director,
Metro Transport Corporation,
Pallavan Illam,
Chennai 600 002

2. The Branch Manager,
Shed No.1,
Metro Transport Corporation,
Thandaiyarpet Branch,
Chennai 600 081

3. M.Mariammal Alias Malliga

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first and second respondents to pay to the petitioner all the terminal benefits such as E.B.F, E.P.F., D.C.R.G, Pension etc.

For Petitioner : Mr.R.Sethu Pandian

For RR 1 & 2 : Mr.K.Moorthy

For R-3 : Mr.S.Srinivasa Narayanan

O R D E R

The petitioner as well as the third respondent herein, have rival claims with regard to the Death-cum-Retirement Gratuity (D.C.R.G.) including the pensionary benefits of one Mr.V.P.Thankaraj, who was an employee with the first respondent Corporation and who had died in the year 2017. While the



WEB COPY

petitioner claims that she was married to late V.P.Thankaraj on 17.09.1995, and she has two children, a female child namely Sridevi and a male child by name Sriram through late V.P.Thankaraj, the third respondent claims that she was married prior to the petitioner on 26.03.1991.

2. These disputed facts of rival claims cannot be gone into by this Court exercising its powers under Article 226 of the Constitution of India. If at all these parties intend to claim that they are entitled to receive the D.C.R.G. benefits, the proper recourse will be to approach the Civil Court and establish their claims.

3. This Court has taken into account that the late employee V.P.Thankaraj was serving as a 'Driver'. The respondent Corporation's stand is that the D.C.R.G. benefits have not been disbursed owing to these rival claims. While that being so, permitting the Transport Corporation to hold the D.C.R.G. benefits without gaining any interest on the same, would not be proper since the Civil Court proceedings to be initiated by the rival claims may consume some time.

4. In these circumstances, the respondents 1 and 2 are called upon to deposit the entire D.C.R.G. benefits of late V.P.Thankaraj in a nationalised Bank, which could fetch a good interest. The petitioner and the third respondent are at liberty to approach the Civil Court and establish their rights to receive the D.C.R.G. benefits and accordingly, then make a claim, based on the decision to be taken by the Civil Court, before the first and second respondents herein. Accordingly, the Writ Petition stands Disposed of with the above liberty and directions. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sts

To:

1. The Managing Director,
Metro Transport Corporation,
Pallavan Illam,
Chennai 600 002



2. The Branch Manager,
Shed No.1,
Metro Transport Corporation,
Thandaiyarpet Branch,
Chennai 600 081.

WEB COPY

+2cc to Mr.R.Sethu Pandian, Advocate, S.R.No.1537

+1cc to Mr.S.Srinivasa Narayanan, Advocate, S.R.No.2087

W.P.No.17290 of 2018

NR(CO)

CT 25/01/2022