



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.04.2022

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.542 of 2022

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T.Vasanthi

... Petitioner

Vs.

1.The Secretary

Ministry of Transport
Government of Tamilnadu
Secretariat Buildings,
Chennai, Tamilnadu.

2.The Managing Director,

Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
27 Railway Station New Road, Kumbakonam
Tamilnadu

3.The General Manager,

Tamilnadu State Marketing Corporation
Kumbakonam Division (III) Ltd.,
Marudhupathy, Managiri Road,
Karaikudi, Sivagangai District
Tamilnadu.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct the first respondent to give terminal benefits of the petitioner's demised husband, including the compassionate appointment to her family by revoking the dismissal order of petitioner's husband in vide letter No.TNSTC/TS/T6/32 dated 22.12.2003 of the third respondent based on her husband's acquittal from the accident case in vide CC No.490 of 2002 on the file of the Principal District Munsif Cum Judicial Magistrate, Karaikudi, by considering the petitioner's final representation dated 16.12.2021 to the first respondent.

For Petitioner
For Respondent

: Mr.Murugadhasan
: Mr.D.S.Nedunchezian for R1
Government Advocate
Mr.D.Sivaraman for R2 & R3

ORDER

The relief sought for in the present writ petition is to direct the first respondent to give terminal benefits of the petitioner's demised husband, including the compassionate appointment to her family by revoking the dismissal order of petitioner's husband in vide letter No.TNSTC/TS/T6/32 dated 22.12.2003 of the third



respondent based on her husband's acquittal from the accident case in vide CC No.490 of 2002 on the file of the Principal District Munsif Cum Judicial Magistrate, Karaikudi, by considering the petitioner's final representation dated 16.12.2021 to the first respondent.

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2.The petitioner is the wife of the deceased employee, who was working as Driver in the respondent transport corporation. Admittedly, the husband of the writ petitioner was dismissed from service vide order dated 22.12.2003. Further the said order of dismissal was not challenged by the employee and it became final.

3.The husband of the petitioner died on 12.08.2019. Thus, the order of dismissal was not challenged by the employee concerned for about 16 years.

4.The learned counsel for the petitioner states that the husband of the petitioner made several representation. Mere filing of representation would be insufficient to entertain a writ petition after a lapse of many years. The fact remains that the order of dismissal reached finality, as it was not challenged by the deceased employee till the date of his death on 12.08.2019. A dismissed employee is not entitled for terminal and pensionary benefits. However, if any due is payable by the transport corporation with reference to the contribution of the deceased employee, the said amount may be ascertained and accordingly settled, if the petitioner is otherwise eligible in accordance with the service rules.

5. The writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (RTI)

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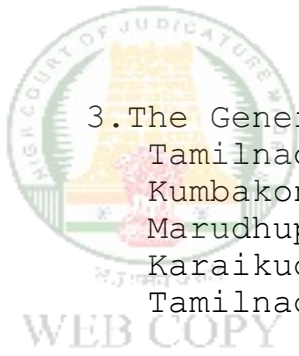
Sub Assistant Registrar(CS)

RR

To

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3.The General Manager,
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Tamilnadu.

+2 CC to M/s.P. MURUGHADASAN, Advocate (SR-18446[F] dated
13/04/2022)

+1 CC to M/s.SPL.GP. (SR-18625[F] dated 13/04/2022)

+1 CC to M/s.D. SIVARAMAN, Advocate (SR-18677[F] dated 13/04/2022)

W.P. (MD) No.542 of 2022
12.04.2022

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