



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:13.04.2022

CORAM:

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

WEB COPY

W.P. (MD)No.2583 of 2022

and

W.M.P (MD)No.2283 of 2022

1.R.Gnanasekaran
2.G.Shanmugapriya
3.G.Balaji

... Petitioners

Vs.

1.The Chairman-cum-Principal Secretary,
to Government, Transport Department,
Secretariat, Chennai-600 009.

2.Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Rep by its the Managing Director,
New Railway Station Road,
Kumbakonam,

3.The Chief Finance Officer,
Tamil Nadu State Transport,
Corporation (Kumbakonam) Limited,
New Railway Station Road,
Kumbakonam.

4.The General Manager,
Tamil Nadu State Transport,
Corporation (Kumbakonam) Limited,
Trichy Region, Periyamelaguparai,
Trichy.

5.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Pallavan Salai,
Chennai-600 002.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to settle the Terminal Benefits viz., Gratuity, Provident Fund, Death Benefit Fund, Encashment of earned leave, family pension and other benefits to the petitioners, by considering the petitioners' representation dated 11.12.2021.



For Petitioner : Mr.P.Selvakamatchi
For R1 : Mr.M.Ramesh
Government Advocate
For R2 to R5 : Mr.P.Balasubramanian

WEB COPY

ORDER

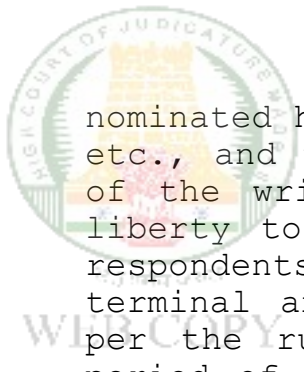
The relief sought for in the writ petition is to direct the respondents to settle the Terminal Benefits viz., Gratuity, Provident Fund, Death Benefit Fund, Encashment of earned leave, family pension and other benefits to the petitioners, by considering the petitioners' representation dated 11.12.2021.

2.The first petitioner is the husband of the deceased employee viz., G.Maheswari, who joined as a Record Clerk in the second respondent Transport Corporation, on 11.07.1990. She was promoted to the post of Special Grade Assistant and died on 17.05.2021, while she was in service. The first petitioner states that his deceased wife had nominated her mother Srimathi.G.Jothi, at the time of joining service and the first petitioner married the deceased employee on 09.02.1992. Thereafter, she entered the name of the first writ petitioner and the name of their two children in the service particulars.

3.It is contended that the name of the first petitioner was entered as nominee. After the death of the employee, the first petitioner approached the respondents and the respondents sanctioned the family pension and the first petitioner is now receiving family pension. As far as the other benefits are concerned, the respondents are refusing to settle the same in favour of the petitioners on the ground that they have to obtain No Objection Certificate from the mother of the deceased employee.

4.A copy of the service records furnished by the learned counsel for the respondents reveals that the details of the family members are recorded. However, the copy of the nomination has not been filed before this Court. Even as per the family details, the names of the petitioners have been stated in part-1 and in part-II the name of the mother of the deceased employee has been stated. As the petitioners are directly legal heirs of the deceased employee and the first petitioner being the legally wedded husband, the benefits are to be settled in favour of the petitioners in accordance with the rules in force. In the absence of any specific nomination in favour of the mother of the deceased employee, the benefits are to be settled to Class-1 legal heirs, who all are eligible for receiving all such terminal and pensionary benefits.

5.In the present case, the respondents have not produced any records to establish that the deceased employee specifically



nominated her mother for the purpose of receiving the gratuity, DCRG etc., and therefore, all such benefits are to be settled in favour of the writ petitioners. In this regard, the petitioners are at liberty to submit all the particulars to the respondents and the respondents shall verify the records and accordingly, settle all the terminal and pensionary benefits due to the deceased employee, as per the rules, as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

Ns

To

1. The Chairman-cum-Principal Secretary,
to Government, Transport Department,
Secretariat, Chennai-600 009.

2. Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Rep by its the Managing Director,
New Railway Station Road,
Kumbakonam,

3. The Chief Finance Officer,
Tamil Nadu State Transport,
Corporation (Kumbakonam) Limited,
New Railway Station Road,
Kumbakonam.

4. The General Manager,
Tamil Nadu State Transport,
Corporation (Kumbakonam) Limited,
Trichy Region,
Periyamelaguparai,
Trichy.



5.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Pallavan Salai,
Chennai-600 002.

WEB COPY

+1 CC to M/s.P. SELVAKAMATCHI, Advocate (SR-18777[F] dated
13/04/2022)

+1 CC to M/s.P. BALASUBRAMANIAN, Advocate (SR-19070[F] dated
18/04/2022)

+1 CC to M/s.SPL.GP. (SR-18990[F] dated 18/04/2022)

W.P. (MD) No.2583 of 2022

and

W.M.P (MD) No.2283 of 2022

13.04.2022

RK(28/04/2022) 4P 9C