



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:05.04.2022

CORAM:

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

W.P. (MD)No.2972 of 2022

WEB COPY

P.Palaniyammal

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam Division),
No.27, New Railway Station Road,
Kumbakonam,
Thanjavur District.

2. The Regional Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam Division),
Karaikudi Region,
Managiri Road, Maruthupathy,
Karaikudi-630 307.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to disburse the death benefits of her deceased husband namely Perumalsamy (ST-16225/95CR3020) and provide family pension to her, in the light of the judgment and decree passed by Learned District Munsiff cum Judicial Magistrate No.I, Srivilliputtur in O.S.No.352/2016 dated 09.09.2020 and subsequent legal heirs certificate issued by the Tahsildar Watrap Taluk dated 23.11.2021 as well as the petitioners representation dated 24.11.2021 and remainder representation, dated 12.01.2022 submitted to the respondents in person and by post within the time limit that may be stipulated by this Court.

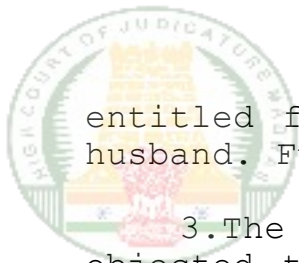
For Petitioner	: Mr.M.Raja Ravi Varma
For Respondents	: Mr.D.Sivaraman

ORDER

The relief sought for in the present writ petition is to direct the respondents to disburse the death benefits of her deceased husband namely Perumalsamy.

2.The petitioner states that she is the legal wedded first wife of the deceased employee Mr.P.Perumalsamy. Therefore, she is

<https://hcservices.ecourts.gov.in/hcservices/>



entitled for all the terminal and pensionary benefits due to her husband. Further, the petitioner claims family pension also.

3.The learned counsel appearing on behalf of the respondents objected the said contentions by stating that there is a counter claim in respect of the pensionary benefits and family pension and one Tmt.Guganrani set out a claim stating that she is the legally wedded wife of the deceased employee. Therefore, the respondents are unable to settle the terminal benefits and grant family pension.

4.Further, the learned counsel for the respondents states that in the event of submitting appropriate Succession Certificate or decree from the competent Court, the respondent will be in a position to consider the case of the writ petitioner in accordance with pension scheme and rules in force.

5.The learned counsel appearing for the petitioner drew the attention of this Court with reference to the judgment and decree passed by the District Munsiff Court, Srivilliputhur, in O.S.No.352 of 2016. However, the decree passed in the said suit reveals that no such declaration declaring that the petitioner viz., Palaniammal is the first legally wedded first wife of the deceased was granted. In fact, there is no relief as against the plaintiffs is granted. Contrarily, the relief of declaration was granted in favour of the plaintiffs 2 to 4, who all are the children born through and out of the wedlock between the first plaintiff and the deceased employee. Therefore, based on the declaration, the Tahsildar issued Legal Heirs Certificate for the purpose of settlement of pensionary and terminal benefits. The petitioner has to get an appropriate declaration to establish that she is the legally wedded first wife of the deceased employee. Therefore, the petitioner is at liberty to submit appropriate documents to establish that she is the legally wedded first wife of the deceased employee.

6.In view of the facts and circumstances, the objections raised by the respondents is in consonance with the provisions of the pension scheme and rules in force. The petitioner is at liberty to establish her status as the first wife of the deceased employee.

7.With the above observations, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

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/ /2022

Sub Assistant Registrar(CS)



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Srivilliputhur.
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+1 CC to M/s.D. SIVARAMAN, Advocate (SR-16800[F] dated
06/04/2022)

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PA(12.04.2022) 3P 5C