



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.04.2022

CORAM:

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

W.P. (MD)No.4347 of 2021

&

WMP (MD)No.3535 of 2021

M.Jeeva

... Petitioner

Vs.

The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Dindigul Region,
Byepass Road,
Dindigul.

... Respondent

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the original impugned order in Ref. No. CES/R.O/DGL dated 27.07.2020 quashed the same as illegal and further directing the respondent to sanction the petitioners share amount of Rs.5,30,624/- ie., 1/4th share of the retirement benefits of her husband payable to her towards her daughters share within the time contemplated in the provision of law without delay.

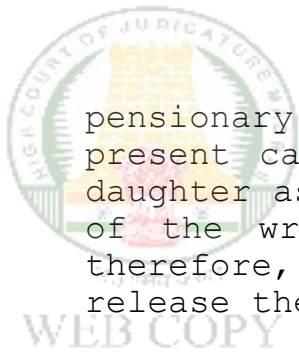
For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.J.Senthil Kumaraiah

ORDER

The petitioner is the wife of the deceased employee, who was working in the Transport Corporation. The dispute arose, due to the fact that the deceased employee entered the name of his wife and daughter in the nomination claim in the service records. Therefore, the Transport Corporation had taken a decision that a portion of the amount to be paid to the daughter as a nominee, cannot be granted in favour of the writ petitioner, who is the wife of the deceased employee. The order impugned also states that $\frac{1}{4}$ th portion of the money due to the deceased employee is to be settled in favour of the daughter J.Harini, ie., a sum of Rs.5,30,624/-.

2.The learned counsel for the petitioner drew the attention of this Court that the daughter of the writ petitioner viz., J.Harini, executed a release deed in favour of the petitioner for the purpose of settling all the benefits due to her deceased husband. The release deed states that the daughter of the petitioner will not claim any right from her portion of the amount or property. The



pensionary benefits are the rights of the legal heirs and in the present case, the deceased employee though nominated his wife and daughter as nominees, the daughter executed a release deed in favour of the writ petitioner, who is none other than her mother and therefore, there is no impediment for the Transport Corporation to release the amount in favour of the writ petitioner.

3.This apart, the deceased employee died on 30.12.2017 and the daughter of the deceased employee has not made any separate claim in the Transport Corporation. Thus, she had also acted upon based on the release deed.

4.This being the factum established, the respondents are directed to settle the balance terminal benefits due to the deceased employee in favour of the writ petitioner by regarding the release deed executed by the daughter of the deceased employee J.Harini, within a period of twelve weeks from the date of receipt of a copy this order.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Dindigul Region,
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