



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.4762 of 2022

WEB COPY

K.Pothumponnu

... Petitioner

vs

1. The State of Tamilnadu,
represented by its Secretary,
Transport Department,
Chennai.

2. The Managing Director,
Tamilnadu State Transport Corporation,
Bye Pass Road,
Madurai - 10.

3. The General Manager,
Tamilnadu State Transport Corporation,
Virudhunagar Region,
Virudhunagar.

4. The Branch Manager,
Tamilnadu State Transport Corporation,
Srivilliputhur,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to disburse the service benefits of the petitioner's husband namely Karuppaiah (Late) and consequently, direct the respondents to appoint the petitioner on compassionate ground with fourth respondent office with consequential benefits by considering the petitioner's representation dated 31.10.2022 within the time period stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.A.K.Manikkam for
Special Government Pleader

O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus, to to disburse the service benefits of the petitioner's husband namely Karuppaiah (Late) and consequently, direct the respondents to appoint the petitioner on compassionate ground by considering the petitioner's representation, dated 31.10.2022.



2. The contention of the petitioner is that the petitioner's husband was working in the fourth respondent office as Driver from 02.12.1992. On 25.01.2015, the petitioner's husband died while he was in service. The legal heirs of the deceased person are the petitioner, one daughter, two sons and the deceased person's mother. The deceased Karuppaiah married one Muthulakshmi in the year 1996 and they were separated by following customary practice in front of the Village elders and family members in the year 2000 itself. On 23.03.2001, the deceased Karuppaiah married the petitioner. Even though the deceased Karuppaiah was separated in the year 2000, the divorce deed was executed on 04.12.2003 in a stamped pay. The deceased Karuppaiah was not having any children through the first wife Muthulakshmi. The petitioner submitted that the first wife also died on 24.09.2020. Therefore, according to the petitioner there is no rival claimant for the service benefits of the deceased Karuppaiah. Even the deceased Karuppaiah's mother also died on 04.03.2018, the only legal heirs that are available is the petitioner, her two daughters and one son. The petitioner submitted that the petitioner and her son were tested HIV positive and she is struggling due to ill-health and could not run the family.

3. Therefore, this Court is of the considered opinion that as per the affidavit of the petitioner, there is no rival claimant except the petitioner and her three children. Therefore, this Court is passing the following order.

(a) The petitioner is directed to submit an undertaking before the respondents that there is no rival claim and if there is any claim in future the petitioner would disburse their share from the benefits she has received.

(b) After taking the undertaking affidavit, the respondents are directed to disburse the service benefits of the deceased Karuppaiah to the petitioner within a period of four weeks from the date of receipt of the copy of the order.

4. With the above direction, the Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

jbr



Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Secretary,
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Transport Department,
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2. The Managing Director,
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+1 CC to M/s.SPL GP (SR-13000[F] dated 18/03/2022)

W.P. (MD)No.4762 of 2022

17.03.2022

RK(30/03/2022) 3P 6C