



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.6475 of 2019 & 16098 of 2020

WEB COPY

W.P. (MD) No.6475 of 2019:

R.Vadivambal

... Petitioner

vs.

1.The Secretary to Government
Transport Department
Government of Tamil Nadu
Fort St.George, Chennai-9

2.The Administrator
Tamil Nadu State Transport
Corporation Employees' Pension Fund Trust
Thiruvalluvar Illam
Annasalai, Chennai-2

3.The Managing Director
Tamil Nadu State Transport Corporation
Madurai Limited
Bye Pass Road, Madurai

4.The General Manager
Tamil Nadu State Transport Corporation
Madurai Limited
Dindigul Division, Dindigul

5.R.Pandiammal

... Respondents

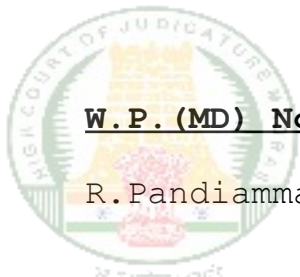
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents 1 to 4 to pay the petitioner's husband retirement benefits and family pension to her.

For Petitioner : No appearance

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1

Mr.J.Senthil Kumaraiah for R2 to R4

Mr.A.Rahul for R5



W.P. (MD) No.16098 of 2020:

R.Pandiammal

... Petitioner

vs.

1.Tamil Nadu State Transport Corporation
(Madurai) Limited
Rep.by its Managing Director
Bye Pass Road, Madurai

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

3.The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust
Thiruvalluvar Illam
Pallavan Salai, Chennai-2

4.Vadivambal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to settle the entire death cum retirement benefits of the petitioner's deceased husband R.Rajapandi including family pension from 28.01.2019, gratuity, terminal leave salary, surrender leave salary, commutation, social security scheme amount with interest at 18% per annum payable from 28.01.2019 to till the date on which the above amounts are disbursed to the petitioner.

For Petitioner : Mr.A.Rahul

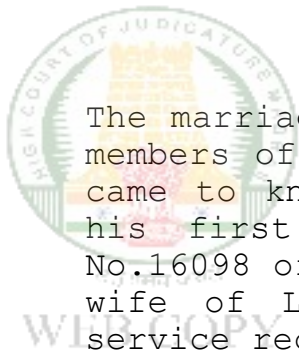
For Respondents : Mr.J.Senthil Kumaraiah for R1 to R3
No appearance for R4

C O M M O N O R D E R

Since the reliefs sought for are interlined, both the writ petitions were taken up together, heard together and are being disposed of by this common order.

2. Both the petitioners are claiming the terminal benefits of the deceased employee Rajapandi.

3. The petitioner in W.P.(MD) No.6475 of 2019 states that she is the legally wedded wife of Late.Rajapandi, who was working in the respondent Transport Corporation. According to the petitioner, she was deserted along with two children by her first husband in the year 1998 and thereafter, in the year 2000, she married Rajapandi.



The marriage between her and Rajapandi was solemnized by the family members of Rajapandi along with other relatives. Subsequently, she came to know that her husband Rajapandi also had been deserted by his first wife Pandiammal, who is the petitioner in W.P.(MD) No.16098 of 2020, wherein she claimed that she is the legally wedded wife of Late.Rajapandi and her name alone is mentioned in the service records of the deceased employee.

4. When there is a counter claim in respect of the terminal and pensionary benefits of the deceased employee, such counter claims are to be adjudicated before the Competent Court of law and only after getting a declaration, the issues are to be settled. High Court cannot conduct a roving enquiry with reference to the disputed facts, which is to be done only by way of trial with reference to the documents and evidences. Therefore, the parties are bound to approach the Competent Court of Law for getting appropriate succession certificate or declaration or otherwise as the case may be. No doubt, the employe may also conduct an enquiry, if the available documents are enough to form an opinion without leading to miscarriage of justice to anyone of the parties. The endeavour of the Department is to ensure that the benefits are settled to the spouse in accordance with the Pension Rules / Scheme. However, by way of conducting improper enquiry, settlement cannot be granted in favour of the person, who is not entitled to.

5. Admittedly, there is a claim and counter claim between the two petitioners. Both are claiming the terminal benefits of the deceased employee. While so, either of them or both them are to approach the competent Court of Law for getting appropriate succession certificate and in such an event, all the necessary parties are to be impleaded as parties for effective adjudication and only thereafter, the respondent - Transport Corporation will be in a position to settle the terminal benefits of the deceased employee, namely, Rajapandi.

6. With the above observations and directions, the writ petitions are disposed of. No costs.

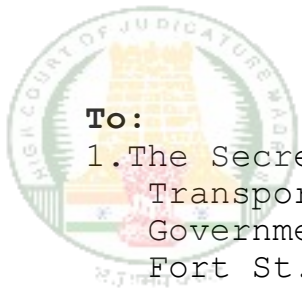
Sd/-

Assistant Registrar

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/ /2022

Sub Assistant Registrar(CS)



To:

- 1.The Secretary to Government,
Transport Department,
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Fort St.George, Chennai-9.
- 2.The Managing Director
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Tamil Nadu State Transport
Corporation Employees' Pension Fund Trust
Thiruvalluvar Illam
Annasalai, Chennai-2

+1CC to Spl.Government Pleader SR.No.12437

W.P. (MD) Nos.6475 of 2019
& 16098 of 2020
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SA(25.03.2022) 2P 6C