



W.P.(MD) No.19024 of 2021

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 21.07.2022**

**CORAM**

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

W.P.(MD) No.19024 of 2021

1.M.Malliga

2.Banupriya

3.Saravanan

4.Adithyan

... Petitioners

-VS-

The Assistant Manager,  
Tamil Nadu State Transport Corporation (Madurai) Ltd.,  
Dindigul III-Branch, Dindigul Region.  
Dindigul District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records of the respondent resulting in the respondent impugned order dated 18.02.2021 passed in CES/R.O/DGL/E2/506 and quash the same and directing the respondent to disburse all the retirement benefits of the deceased Late.Murugesan (12D960047/DR52068) who was working as driver in Tamil Nadu Government Transport Corporation (Madurai) Limited at



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Dindigul III-branch, Dindigul region and all other service benefits legally entitled to get.

For Petitioner : Mr.V.R.Venkatesan

For Respondent : Mr.J.Senthil Kumaraiah  
Standing Counsel

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### ORDER

The first petitioner herein claims to be the widow of Late employee K.Murugesan, son of Krishnan, who was employed as a Driver under the respondent-Corporation and he had expired on 17.11.2020. The claim for Death-cum-Retirement Gratuity (DCRG) benefits including the family pension has been rejected by the respondent through the impugned order dated 18.02.2021, by stating that the details of the legal heirs had not been mentioned by the employee in the service records and therefore, they are unable to disburse the DCRG benefits.

2. This Court is not in agreement with the reasoning adopted by the respondent in the impugned order. Whenever a Government /



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Corporation employee expires without giving details of the legal heirs in the service records, it would not automatically entitle the Government / Corporation to withhold the payment of DCRG benefits. On the other hand, there is a duty cast on the Government / Corporation to call upon the claimant to produce legal heirship certificate from the competent revenue authorities to substantiate that such claimant is the legal heir of the deceased employee. Only in cases of claims by Class-II heirs and disputes among the legal heirs etc., the respondent / Corporation may be entitled to seek for other supporting documents like succession certificate. In the instant case, there are no rival claims with regard to the DCRG benefits of the Late employee. As such, the respondent is required to disburse the DCRG benefits of the Class-I legal heirs found in the certificate issued by the concerned Tahsildar.

**3.** In the light of the above observations, the petitioner is granted liberty to make a fresh representation enclosing a copy of the legal heirship certificate of Late.Murugesan, son of Krishnan, seeking for DCRG benefits as well as other pensionary benefits. On receipt of such representation, the



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respondent herein shall forthwith pass necessary orders disbursing the DCRG and pensionary benefits within a period of eight (8) weeks from the date of receipt of a copy of this order.

4. With the above direction, this writ petition stands disposed of.

No costs.

**21.07.2022**

Index: Yes/No

Internet: Yes

abr

To

The Assistant Manager,  
Tamil Nadu State Transport Corporation (Madurai) Ltd.,  
Dindigul III-Branch, Dindigul Region.  
Dindigul District.



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**M.S.RAMESH, J.**

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