



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.21099 of 2019

K.Panchavarnam

... Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam-612 001.
 - 2.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Karaikudi Region,
Maruthupathi, Managiri,
Karaikudi-630 307.
 - 3.The Deputy Manager (Administration),
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Karaikudi Region,
Maruthupathi, Managiri,
Karaikudi-630 307.
- ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the third respondent relating to the impugned order in Ref:TNSTC/Karai/NiPi/A1/575 dated 06.05.2019 and quash the same as illegal and consequently directing the respondents to pay the terminal benefits of the deceased employee to the petitioner.

For Petitioner : Mr.S.P.Vijay Nivas

For Respondents : Mr.D.Sivaraman

O R D E R

This Writ Petition has been filed challenging the order dated 06.05.2019 rejecting the claim of the petitioner for settlement of terminal and pensionary benefits due to the deceased employee, who is the husband of the petitioner.



2. The petitioner states that her husband, who was the employee of the Transport Corporation, died on 20.10.2015. The husband of the petitioner was working as Driver. However, the disciplinary proceedings were initiated against the deceased employee and he was dismissed from service on 04.02.2011 one year prior to his date of retirement. After his death, the petitioner who is the wife of the deceased employee, submitted an application for settlement of all eligible benefits including contribution made by her husband, while he was in service.

3. The learned counsel appearing for the respondents objected the said contention by stating that the petitioner admittedly is the second wife of the deceased employee. Therefore, she has to establish her eligibility by producing all relevant documents. In the event of no such relevant document to establish that the petitioner is legally wedded wife of the deceased employee, the Corporation will not be in a position to settle the eligible amounts.

4. Considering the arguments, this Court is of the considered opinion that the deceased employee was dismissed from service in the year 2011. The petitioner is the second wife of the deceased employee. Therefore, the petitioner has to establish that she is the legally wedded wife of the deceased employee. If at all the second marriage was solemnised during the life time of the first wife, the second wife may not be eligible. In such circumstances, if any divorce is obtained from the Competent Court of law, those documents are to be produced before the Competent Authority. At the outset, the petitioner has to establish that her marriage was valid or she is eligible to get the benefits due to the deceased employee.

5. This being the factum, the petitioner is at liberty to submit all the relevant documents to the respondents to establish that she is the legally wedded wife of the deceased employee and eligible to get the benefits due to the employee. In the event of submitting all the relevant documents, the respondents are directed to consider the same and take decision and pass appropriate orders on merits and in accordance with law.

6. With these observations, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam-612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Karaikudi Region,
Maruthupathi, Managiri,
Karaikudi-630 307.

3.The Deputy Manager (Administration),
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Karaikudi Region,
Maruthupathi, Managiri,
Karaikudi-630 307.

+1 CC to M/s.SP. VIJAYNIVAS, Advocate (SR-18019[F] dated 12/04/2022)

+1 CC to M/s.D. SIVARAMAN, Advocate (SR-18327[F] dated 12/04/2022)

W.P.(MD) No.21099 of 2019
11.04.2022

am(CO)

TR(27.04.2022) 3P 6C