



W.P.(MD)No.21335 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.21335 of 2015

Vijayalakshmi

... Petitioner

Vs.

- 1.The Tamil Nadu State Transport Employees,
Pension Trust, Represented by its Administrator,
Thiruvalluvar Illam,
Pallavan Salai, Chennai.
- 2.The Managing Director,
State of Express Transport Corporation, Tamil Nadu Limited,
Pallavan Salai, Chennai.
- 3.The Divisional Manager,
State Express Transport Corporation, Tamil Nadu Limited,
Tirunelveli.
- 4.The Branch Manager,
TNSETC, Vanarapettai, Tirunelveli.
5. Jaya Balamurugan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of *Mandamus*, directing the respondents 2 to



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5 herein to enter the Petitioner's name in the Service Book of her husband, the 5th respondent herein as the person legally entitled to receive the Family Pension and other benefits on the death of the Petitioner's husband.

For Petitioner : Mr.K.Sreekumaran Nair

For R-1 to R-4 : Mr.K.Sathiya Singh
Standing Counsel

ORDER

This Writ petition has been filed for issuance of Writ of *Mandamus*, seeking direction to the respondent Nos.2 to 5 to enter the Petitioner's name in the Service Book of her husband, the 5th respondent herein as the person legally entitled to receive the Family Pension and other benefits on the death of the Petitioner's husband.

2. Heard Mr.K.Sreekumaran Nair, learned counsel appearing for the petitioner and Mr.K.Sathiya Singh, learned Standing Counsel, appearing for the Respondent Nos.1 to 4. Perused the material documents available on record.



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3. The brief facts as stated in the affidavit that the 5th respondent was the employee of the respondent Nos.1 to 4. While, he was in service, the 5th respondent has entered his mother's name, as nominee, in the Service Register Book.

4. It is an admitted fact by the petitioner as well as the Respondent Nos.1 to 4 that the petitioner's husband died on 11.06.2020 and the nominee, namely; the mother of the 5th respondent died prior to the death of the 5th respondent, i.e., 24.03.2018. The petitioner has produced the death certificate of the 5th respondent's mother which was issued by the Nagercoil Municipality, wherein, the date of death has been mentioned as 24.03.2018. Therefore, now, the petitioner seeking family pension of the 5th respondent, by way of filing this Writ petition.

5. The learned counsel appearing for the respondent Nos.1 to 4 submitted that, since the 5th respondent is a pension employee he has entered his mother's name, as his nominee and the family pension ought to have been disbursed to the mother only. In the present case, the



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5th respondent has not entered the petitioner's name in the Service Register book, even after the demise of his mother.

6. The learned counsel appearing for the petitioner has enclosed the maintenance petition filed before the learned Judicial Magistrate-I, Kuzhithurai, which would indicate that there was some family dispute between the petitioner and the 5th respondent. He further submitted that the petitioner and the 5th respondent were living separately for a brief period. Even though, the maintenance petition was filed, the petitioner and the 5th respondent were not divorced as per Law.

7. Considering the facts and circumstances of the case, before in the eye of law, the petitioner is the wife of the deceased 5th respondent. Therefore, the petitioner is entitled to get family pension, as a wife.

8. In view of the foregoing reasons, the petitioner is entitled for the family pension. Therefore, the petitioner is directed to submit a



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fresh application along with the copy of this order. On receipt of the said application, the respondent Nos.2 to 4 shall disburse the family pension to the petitioner. The said exercise shall be completed, within a period of four weeks, from the date of receipt of a copy of the order.

9. Accordingly, this Writ Petition is allowed. No costs.

Index : Yes / No
Internet : Yes
ksa

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S.SRIMATHY, J

ksa

**Order made in
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