



W.P.No.17967 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2023

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P.No.17967 of 2020 and
W.M.P.No.22294 of 2020

S.Selvi

... Petitioner

Vs.

1.The Secretary to Government,
Transport Department,
Secretariat,
Chennai 600 009.

2.The Managing Director,
Tamilnadu State Transport Corporation
(Coimbatore) Limited,
Mettupalayam Road,
Coimbatore 641 043.

3.The Branch Manager,
Tamilnadu State Transport Corporation Limited,
Ondipudur Branch,
Coimbatore.

4.The Administrator,
Tamilnadu State Transport Corporation
Pension Fund Trust,
Thiruvallur House,
Pallavan Salai,
Chennai 600 002.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the second respondent to give death benefits of S.N.Subramanian, who was working as Tradesman in third respondent's office and died while in service on 04.07.2012 to the petitioner within three months.

For Petitioner : Ms.J.Yesotha Saravanan
For Respondents : Mr.M.Arun for
Mr.A.Sundaravadhanam for R1 & R2
Mr.C.S.K.Sathish for R4
No appearance for R3

ORDER

This Writ Petition has been filed seeking issuance of Writ of Mandamus to direct the second respondent to settle death benefits of S.N.Subramanian, who was working as a Tradesman in third respondent's office and died in harness on 04.07.2012.

2.The petitioner who is the wife of the deceased S.N.Subramanian, who was working as a Tradesman in the third respondent Corporation, has filed this Writ Petition seeking to disburse the death benefits of her deceased husband including the family pension.



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3. The learned counsel for R1 and R2 submitted that the deceased employee has nominated his mother to receive his terminal benefits and hence the terminal benefits has already been disbursed to the mother of the deceased employee in the year 2015 itself.

4. It is the submission of the petitioner that the petitioner is also one of the legal heir of the deceased S.N.Subramanian, in her capacity as his wife and hence, she is also entitled to get a share in the death benefits of the deceased including family pension.

5. However, the fourth respondent has not stated that the family pension has been given to the wife of the deceased and her representation has been considered and a order has been passed. Even though the terminal benefits have been disbursed to the mother of the deceased, taking into consideration of the nomination made by the deceased in his Service Register, the petitioner's representation can be considered atleast to sanction family pension in accordance with the existing rules, if she could prove her status as wife of the deceased. Therefore, the petitioner



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is directed to give a fresh representation to the second respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the representation of the petitioner to a limited aspect of family pension alone within a period of four weeks therefrom.

6. With the above direction, this Writ Petition stands disposed.

Consequently, connected Miscellaneous Petition is also closed. No costs.

13.10.2023

Index : Yes

Internet : Yes/No

gsk



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WEB COPY

To

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R.N.MANJULA, J.

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