



W.P(MD)No.5567 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5567 of 2023

and

W.M.P.(MD)No.5191 of 2023

P.Palaniyammal

... Petitioner

Vs.

**1.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam Division)
No.27, New Railway Station Road,
Kumbakonam,
Thanjavur District.**

**2.The Regional Manager,
Tamil Nadu State Transport Corporation (Kumbakonam Divison),
Karaikudi Region,
Managiri Road, Maruthupathy,
Karaigudi-630307.**

3.Guganrani

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the record on the file of the second respondent in connection with the impugned order of rejection passed vide him proceedings in TNSTC/SABI/SA/SA1/72/2022, dated 25.03.2022 and quash the same as



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illegal and arbitrary and consequently directing the respondents to disburse the death benefits and family pension of the petitioner deceased husband namely P.Perumalsamy (Desg-SGCR) (ST No-16225/95CR3020) in the light of the judgment and decree passed by the learned District Munsif cum Judicial Magistrate No.1, Srivilliputhur in O.S.No.352/2016, dated 09.09.2020 and legal heirs certificate issued by the Tahsildar, Watrap Taluk, dated 23.11.2021 with 18% interest within a time limit that may be stipulated by this Court.

For Petitioner : Mr.K.K.Udayakumar
for Mr.M.Raja Ravi Varma

For Respondents : Mr.K.Jagadeesbalan
Standing Counsel for R1 & R2

: no appearance for R3

ORDER

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondent corporation. Though the third respondent has been served and her name is printed in the cause list, she has not chosen to enter appearance.

2. One Perumalsamy was employed as Conductor in the respondent corporation. He passed away on 25.09.2015. The said Perumalsamy had begotten children through the petitioner as well as through the third respondent. Dispute arose as to who was the first and legally wedded wife. The issue was resolved in O.S.No.352 of 2016 on



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the file of the District Munsif Court, Srivilliputhur. The third respondent herein was shown as first defendant in the said suit. After hearing both the parties, the suit was decreed on 09.09.2020. Since the jurisdictional civil Court has already decided the issue, it is clearly binding on the management. The Civil Court had held that the petitioner was the legally wedded wife and the three children born through the petitioner and two children born through the third respondent are the legal heirs of the deceased Perumalsamy. Therefore, the Management has to disburse terminal benefits in accordance with the civil Court's decree. The management is not justified in insisting that the petitioner must obtain No Objection from the third respondent. The management was justified in withholding the terminal benefits on account of *inter se* dispute among the parties. If the benefits are disbursed beyond twelve weeks from the date of receipt of a copy of this order, the management will have to pay interest from the date of demise of the deceased Perumalsamy. If the entire benefits are disbursed within a period of twelve weeks, it will not carry interest. It is well settled that it is only the spouse who is entitled to pension. However, over the other benefits, all the legal heirs will have equal share.



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G.R.SWAMINATHAN, J.

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3. The Writ Petition is allowed on these terms. No costs.

Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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