



W.P.(MD)No.9958 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.9958 of 2020

A.Vijaya

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep.by its Secretary,
Road Transport Department,
Secretariat,
Chennai.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Villupuram Division),
Villupuram.

3.The Assistant Manager,
Wage Administration,
Tamil Nadu State Transport Corporation,
(Villupuram Division),
Vellore.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, call for the records of



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the third respondent Letter No.348/WA27/TNSTC(vi)/2019, dated 03.02.2020 and quash the same as illegal and direct the 3rd respondent to disburse the death benefit payable to the legal heirs of the petitioner's deceased husband Murugan as per the legal heir certificate issued by the Tahsildhar, Vellore.

For Petitioner : Mr.S.Muthukrishnan

For Respondents : Mr.C.Satheesh
Government Advocate for R1
Mr.S.C.Herold Singh
for R2 and R3

ORDER

This writ petition has been filed to call for the records of the third respondent Letter No.348/WA27/TNSTC(vi)/2019, dated 03.02.2020, quash the same as illegal and direct the 3rd respondent to disburse the death benefit payable to the legal heirs of the petitioner's deceased husband, namely, Murugan, as per the Legal Heir Certificate issued by the Tahsildhar, Vellore.



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2. The case of the petitioner is that the marriage between the petitioner and one Murugan was performed in the year 2004 and they were blessed with one child. Thereafter, there was no compatibility between the petitioner and her husband and the petitioner has filed a maintenance case in M.C.No.150 of 2007. In the meanwhile, the petitioner's husband died on 25.02.2019 and thereafter, the petitioner has made representations on 14.12.2018 and 27.01.2020 to the third respondent for disbursement of all the terminal benefits. However, the same was rejected vide the impugned order dated 03.02.2020 on the ground that the petitioner's husband nominated his mother, sister and brother as nominees and the petitioner was directed to approach the Civil Court. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that this Court may grant liberty to the petitioner to approach the Civil Court and make a fresh application depending upon the verdict of the Civil Court.



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4. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents 1 and the learned counsel appearing for the respondents 2 and 3.

5. Admittedly, the petitioner is the wife of one Murugan, who was working as Conductor in the 2nd respondent Corporation and the said Murugan died on 25.02.2019. Thereafter, she made representations to disburse the terminal benefits of her husband on 14.12.2018 and 27.01.2020 to the third respondent. The same was rejected on the ground that her husband nominated his mother, sister and brother as his nominees and there is no error on the part of the respondents in rejecting the representations of the petitioner. However, considering the limited request made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion in the merits of the case, grants liberty to the petitioner and other beneficiaries to approach the Civil Court for sharing the terminal benefits and make a fresh application depending on the verdict of the Civil Court.



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6. Accordingly, this Writ Petition is disposed of. No costs.

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

To

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M.DHANDAPANI,J.

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