



W.P.(MD)No.22520 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

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1. M. Bhuvaneswari
2. Minor.Sumitha
3. Minor Adhiban

[Minor Petitioners represented by their mother and natural guardian, the 1st petitioner herein]

... Petitioners

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Bye-Pass Road,
Madurai.
2. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Bye-Pass Road,
Madurai.

3. Lakshmi

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, seeking direction to the respondents 1 and 2 to



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consider the petitioner's representation, dated 27/09/2019 and to provide the 1st petitioner any suitable job under compassionate appointment and further directing the official respondents to settle and disburse death cum terminal benefits of the 1st petitioner's husband (Late) B.Manimaran such as Provident Fund, Gratuity, Pension, Commutation, Leave Salary, Engineering College Contribution, Social Security Scheme, Group Insurance Scheme and other monetary benefits.

For Petitioners : Mr.K.Viralinathan

For R-1 & R-2 : Mr.J.Senthil Kumaraiah,
Standing Counsel

For R-3 : Mr.M.Mahaboob Athiff

ORDER

This Writ Petition has been filed for *Writ of Mandamus*, directing the respondents 1 & 2 to consider the representation of the petitioners and settle the deceased employee's terminal and other benefits to the petitioners.

2. Heard Mr.K.Viralinathan, learned counsel appearing for the petitioners and Mr.J.Senthil Kumaraiah, learned Standing Counsel appearing for the respondents 1 & 2 and Mr.M.Mahaboob Athiff, learned counsel appearing for the 3rd respondent. Perused the material documents available on records.

3. The 3rd respondent in this writ petition is mother of the deceased



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employee namely, Late.Manimaran, who was serving in the respondents Corporation, as Assistant Engineer and he died on 17.08.2017. The 1st petitioner is the wife and the 2nd and 3rd petitioners are the children of the deceased employee. The 1st petitioner wife had approached the 2nd respondent and submitted the relevant records and informed that the 3rd respondent is also claiming share from the terminal benefits of her husband. Further, the petitioners submitted a representation dated 27.09.2017 to the authorities that the terminal benefits may be disbursed to the parties as per law. In spite of several efforts, the respondents 1 & 2 had not disbursed the terminal benefits to the petitioners. Hence, the petitioners are before this Court.

4. The 3rd respondent being the mother of the deceased employee is entitled to the terminal benefits along with the other legal heirs. As far as the pension is concerned, the 1st petitioner being the wife of the deceased employee, is alone entitled to the pension. Moreover the 1st petitioner name has been entered as nominee in the service book of the deceased employee. Hence, the 1st petitioner alone is entitled to pension apart from the terminal benefits.

5. Therefore, this Court is passing the following order:



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(i)The respondents 1 & 2 are directed to disburse the terminal benefits 1/4th share to 1 to 3 petitioners and the 3rd respondent each. As far as the minor's share is concerned the same shall be deposited in a Nationalized Bank with accruing interest and the minors are entitled to withdraw on attaining majority.

(ii)As far as the pension is concerned, the 1st petitioner being the wife of deceased employee is entitled to the same. The 2nd and the 3rd petitioners are entitled to pension until their majority. The respondents are directed to pay entire pensionary benefits to the 1 to 3 petitioners alone as stated surpa.

(iii)The 1st petitioner is claiming compassionate appointment and has submitted representation, dated 27.09.2017. Since the 1st petitioner has submitted the representation within a period of three years, the respondents 1 & 2 are directed to consider the representation of the 1st petitioner and pass orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of the order.

6. With the above directions, this Writ Petition is disposed of. No



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Costs.

Index : Yes / No
Internet : Yes
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S.SRIMATHY, J

ksa

**Order made in
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