



W.P.(MD)No.29177 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.29177 of 2022

P.Alagammal

... Petitioner

Vs.

1.The State Transport Corporation,
Madurai Limited,
Virudhunagar Region.

2.The Assistant Manager,
The State Transport Corporation,
Madurai Limited,
Virudhunagar Region,
Virudhunagar District.

3.The General Manager,
The State Transport Corporation,
Virudhunagar Region,
Virudhunagar District.

4.Chellammal

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to

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the order in mnghf-tpUJ-grPJ-,2-126?2-2022 dated 14.11.2022 passed by the 3rd respondent and quash the same as illegal and consequently directing the respondents to dispose the terminal benefits and other benefits to the deceased P.Ramar.

For Petitioner : Mr.J.Mohamed Ibrahim

For Respondent : Mr.S.Ramachandra Pradeep
for R1 to R3
R4-Tapal due

ORDER

This writ petition has been filed to call for the records pertaining to the order in mnghf-tpUJ-grPJ-,2-126?2-2022 dated 14.11.2022 passed by the 3rd respondent, quash the same as illegal and consequently direct the respondents 1 to 3 to dispose the terminal benefits and other benefits to the deceased P.Ramar.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the mother of the deceased Ramar, who was working as Driver in the Tamil Nadu State Transport Corporation and he died on



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12.12.2021, leaving behind the petitioner, without any marriage. However, the private respondent obtained the legal heir Certificate as his wife. Objecting the same, the petitioner preferred an appeal before the Revenue Divisional Officer, Aruppukottai, Virudhunagar District to set aside the Legal Heir Certificate obtained by the 4th respondent and after due course of enquiry, the Revenue Divisional Officer cancelled the Legal Heir Certificate obtained by the 4th respondent, as against which, no appeal has been filed by the 4th respondent. Thereafter, the petitioner has made representation to the 2nd and 3rd respondents seeking terminal benefits and other benefits of her son on 04.11.2022. However, the 3rd respondent has passed the impugned order rejecting her claim. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the respondents 1 to 3 would submit that as per the Service Records of the deceased Ramar, the petitioner and her husband has been nominated as family members of the deceased Ramar and the name of the other legal heirs are not entered in the Service Records. However, after proper adjudication, if there is no



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restraint order, the terminal benefits will be settled to the eligible persons after providing opportunity to the petitioner and the 4th respondent.

4. Though notice has been sent to the 4th respondent, the same was returned with an endorsement as “Tapal due”. Since no adverse order has been passed against the 4th respondent, notice to the 4th respondent is dispensed with.

5. The petitioner claims that she is the mother of the deceased Ramar whereas the 4th respondent claims that she is the wife of the deceased Ramar and they were blessed with two children. Admittedly, the concerned Revenue Divisional Officer has set aside the Legal Heir Certificate obtained by the 4th respondent vide order dated, 26.08.2022. However, it appears that no restraint order was passed. Hence, this Court is inclined to issue a direction to the third respondent to conduct enquiry between the petitioner and the 4th respondent and if there is no restraint order, the 3rd respondent is directed to disburse the terminal benefits to the eligible persons within a period of four weeks from the date of receipt



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of a copy of this order, after providing opportunity to the petitioner and the 4th respondent.

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

20.01.2023

ssb

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

To

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