



WEB COPY



W.P.No. 5689 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**W.P.No.5689 of 2024
and
W.M.P.No.6289 of 2024**

K.Victoria

.... Petitioner

Vs

1. The Chief Manager,
Corporate Office,
HR Department,
Indian Bank,
No.254-260, Avvai Shanmugam Salai,
Royapettah,
Chennai – 600 014.

2. The Chief Manager,
Indian Bank,
Thiruvallur Bazzar Branch,
Plot No.2, J.N.Road,
Thiruvallur – 602 001.

.... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for all relevant records relating to the impugned proceedings issued in CO:HRM:SETT:01/41988/2021, dated 18.12.2021 passed by the Chief Manager, Corporate Office, HR Department, Indian Bank, No.254-260,



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Avvai Shanmugam Salai, Royapettah, Chennai – 600 014, the first respondent herein and quash the same as arbitrary, unreasonable, improper, illegal, against their own rules and regulations of the respondents and thereby directing the respondents to sanction and disburse the entire monetary, terminal and other service benefits including all the due payable to the deceased Mr.M.Santhosam, Sub-Staff, Indian Bank, Thiruvallur Bazar Branch, Thiruvallur to the petitioner pursuant to the petitioner's representation dated 04.02.2022 made to the respondents within the stipulated time granted by this Court.

For Petitioner : Mr.S.Srinivasan

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent dated 18.12.2021, thereby rejected the claim made by the petitioner seeking terminal benefits to her deceased brother.

2. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

3. The petitioner's brother, viz., M.Santhosam, was working as Sub Staff in Indian Bank, Thiruvallur Bazar Branch, Thiruvallur. He did not marry anybody and leaving his employment, he died on 30.07.2010.



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Thereafter, the Tahsildar issued a legal heirship certificate declared that the petitioner is the only legal heir of the said M.Santhosam. In the meanwhile, one Malliga filed a suit in O.S.No.173 of 2011 on the file of the District Munsif Court, Thiruvallur, for declaration declaring that she is the legally wedded wife of the said M.Santhosam. Pending suit, the said Malliga was disbursed with all Provident Fund, Gratuity and other benefits. However, subsequently, the suit was dismissed by a Judgment and Degree dated 18.11.2016.

4. After a period of twelve years, against the disbursement of the benefits to the said Malliga, the petitioner submitted a petition claiming the terminal benefits of her deceased brother. The entire amount was already settled in favour of the said Malliga in the year 2012 itself and the same was also duly informed to the petitioner, by a communication dated 13.10.2012. That apart, the petitioner cannot claim terminal benefits on the basis of the legal heirship certificate, since she is admittedly Class II legal heir of the deceased M.Santhosam. Therefore, the claim of the petitioner was rightly rejected by the second respondent.



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5. In view of the above, this Court finds no infirmity or illegality in the order passed by the second respondent dated 18.12.2021. Thus, the writ petition is devoid of merits and it is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. However, the petitioner is at liberty to file a suit as against the said Malliga for appropriate relief, if so advised. Consequently, connected miscellaneous petition is closed. No costs.

06.03.2024

Index: Yes/No
Speaking Order: Yes
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To
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G.K.ILANTHIRAIYAN, J.

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