



W.P.No.20353 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.20353 of 2024

Parveen Sulthana

.... Petitioner

Vs

1. The Tamil Nadu State Transport Corporation (Salem) Ltd.,
Rep. by its Managing Director,
No.12, Ramakrishna Salai,
Salem – 636 007.

2. The General Manager,
The Tamil Nadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Region,
Dharmapuri – 7.

3. The Assistant Manager,
Personnel,
The Tamil Nadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Region,
Dharmapuri – 7.

4. The Branch Manager,
The Tamil Nadu State Transport Corporation (Salem) Ltd.,
Hosur Branch,
Hosur, Krishnagiri District.

.... Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned Order passed by the 3rd Respondent in No. Pa. Ni.12/ 5555/ TNSTC / DPI / 2024 dated 02.07.2024 and quash the same and consequently direct the respondents to settle death benefits of Petitioners husband viz., Sheik Mathaar including Pensionary benefits to the Petitioner by considering the Legal heir Certificate issued by the Tahsildhar, Krishnagiri Taluk, Krishnagiri District vide Certificate No.TN720240109692 dated 22.01.2024 forthwith.

For Petitioner : Mr.M.R.Elavarasan

For Respondents : Mr.K.Raja
Standing Counsel

ORDER

This Writ Petition has been filed challenging the order passed by the third respondent dated 02.07.2024, thereby rejected the request made by the petitioner seeking death-cum-terminal benefits of her deceased husband.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner's husband was appointed as Senior Tradesman in the respondent Corporation. At the time of his appointment, he was not



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married and he entered his parents name as his nominee for all purposes in his service records. Thereafter, he got married to the petitioner on 19.12.1993.

Subsequently, he did not change the service records by entering the petitioner as his nominee, being the wife. While being so, on 24.12.2023, he died, while he was in service, leaving behind the petitioner, his two children and his mother. After the demise of her husband, the petitioner was issued with a legal heirship certificate, in which, the name of the petitioner was included as his wife, two children and his mother as his legal heirs. On the strength of the legal heirship certificate, the petitioner claimed all the benefits. However, the petitioner was directed to produce Court order to disburse all death-cum-terminal benefits. Admittedly, there is no rival claim. The petitioner is the legally wedded wife of the deceased S.Sheikmathaar. Though the petitioner's name was not nominated, the petitioner is entitled for all death-cum-terminal benefits of her deceased husband since there is no rival claim by her mother-in-law. The petitioner's father-in-law also died long back. Therefore, the petitioner is entitled for all benefits including family pension and compassionate appointment. Therefore, the impugned order passed by the third respondent cannot be sustained and it is liable to be quashed.



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4. In view of the above, the order passed by the third respondent dated 02.07.2024, is hereby quashed. The first respondent is directed to disburse all benefits to the petitioner along with family pension. Further, the petitioner is at liberty to submit an application seeking compassionate appointment and on receipt of the same, the respondents are directed to consider the same.

5. In the result, this writ petition stands allowed. No costs.

22.07.2024

Internet: Yes/No

Index : Yes/No

Index : Yes/No

Speaking/Non Speaking order

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To

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