



WP.(MD).No.6078 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 14.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.6078 of 2024

Sivakami

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Madurai Region, Corporation Office,
Madurai – 625010.

2.The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai – 600 002.

3.The State of Tamil Nadu,
Rep. By Secretary to Government,
Finance (Pension) Department,
Secretariat,
Fort St.George,
Chennai – 600 009.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to include the petitioner's two daughters namely (i)Jeevajothi, (ii)Tharani as legal heirs in the petitioner's



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husband deceased Chellachamy's service record based on petitioner's representation dated 08.02.2024.

For Petitioner : Mr.S.Sarvagan Prabhu
For Respondents 1 & 2 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself. Considering the nature of the case, notice to the third respondent is dispensed with.

2.This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct the respondents herein to include the petitioner's two daughters namely (i)Jeevajothi, (ii)Tharani as legal heirs in the petitioner's husband deceased Chellachamy's service record based on petitioner's representation dated 08.02.2024.

3.The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner's husband Chellachamy joined the respondent Corporation on 03.12.1998 as Conductor. While in service, he died on 13.06.2023. He was survived by the petitioner and eight daughters, out of which, three are married and one daughter



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passed away. After the death of her husband, she came to know that her husband did not include the name of two of his unmarried daughters Jeevajothi, aged 23 years and Tharani, aged 21 years as his legal heirs in his service record. Due to non inclusion of two daughters' name in service register, the petitioner is not able to get obtain the death benefits. Therefore, she made a representation dated 08.02.2024 to the respondents seeking to include the left out two daughters in deceased employee Chellachamy's service book. However, the same has not been considered. Hence, this Writ Petition came to be filed.

4.Heard the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the respondents 1 and 2 and carefully perused the entire materials available on record.

5.It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to



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dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6.In view of the same, without going into merits of the case, this Court hereby direct the respondents 1 and 2 to consider the petitioner's representation dated 08.02.2024 and forthwith include the name of (i)Jeevajothi, aged about 23 years and (ii)Tharani, aged about 21 years as daughters/legal heirs of the deceased employee Chellachamy in his service record within a period of 12 weeks from the date of receipt of copy of this order.

7.Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

14.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



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To

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L.VICTORIA GOWRI, J.

Mrn

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