



WP(MD) No.18382 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.02.2024

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD)No.18382 of 2020

Meenal Kodi

... Petitioner

Vs.

1.Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Represented by its General Manager,
Madurai, Madurai District.

2.Suguna

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the 1st respondent to consider petitioner's representation dated 19.09.2020 and disburse all the monetary benefits including death cum terminal benefits arrears of salary, Provident fund, family benefit, gratuity and other benefits and its interests of petitioner's deceased son namely Jeyakumar within a time frame fixed by this Court.

For Petitioner : Mr.V.Sukumar

For Respondents : Mr.S.C.Herold Singh,
Standing Counsel for R1
No Appearance for R2



WP(MD) No.18382 of 2020

ORDER

WEB COPY

The petitioner herein is the mother of one Jeyakumar, who worked as a Driver in the first respondent Corporation from 01.05.2008 to 06.05.2009. The son of the petitioner was murdered on 07.05.2009. Thereafter, the petitioner herein, being the Class I legal heir of deceased son, claims to have submitted an application for payment of death benefits consequent upon the death of her son. However, no orders have been passed by the first respondent. It is also the case of the petitioner that the first respondent through proceedings No.Pa.Chi.Thu/C3/69/2020, dated 13.10.2020 required the petitioner to submit an application for processing the same. However, for the reason best known, the petitioner instead of approaching the respondent No.1 by submitting appropriate application, approached this Court by filing the present Writ Petition.

2. The second respondent herein is the daughter-in-law of the petitioner herein, who is also one of the Class I legal heir of the deceased son of the petitioner. Though notice is served on the second respondent no appearance is entered on her behalf. However, it is stated by the petitioner in the affidavit filed in support of the Writ Petition that, the second



respondent after the demise of her husband married some one else and she is living with him and she is also working as a Government employee.

3. The respondent No.1 filed a counter affidavit stating that immediately after the death of the petitioner's son, two letters dated 30.07.2010 and 10.04.2012 were addressed to the second respondent herein requiring her to appear before the concerned Branch Manager at Pudur Branch, but there is no response from the second respondent and the respondent No.1 would promptly process the claim of the petitioner if the appropriate application is submitted by the petitioner herein. The relevant paragraphs from the counter affidavit read as under:

“7.I humbly submit that in order to observe the above said procedure, a communication was sent to the 1st legal heir of the deceased along with other legal heirs to appear before the concerned Branch Manager at Pudur Branch wherein the deceased was worked before his death vide letter Ref.No.Λ#/@ 8/999/30.07.2010 and Ref.No.Λ#/E8/999-1/2012-dated: 10.04.2012 then afterwards there is no response from the 2nd respondent. Under the above circumstances the Writ Petition was filed by the petitioner before this Hon'ble Court with the aforesaid prayer.

8. I humbly submit that being an employer the 1st



WP(MD) No.18382 of 2020

respondent could settle the benefits only after fixing legal heirs as per the rules in force and when there is no initiation from the 2nd respondent & others the 1st respondent unable to settle the benefit unless or otherwise any appropriate order received from the competent forum.”

4. In the light of the above, it is evident that the respondent No.2 has no interest to claim or receive her share of terminal benefits.

5. Accordingly, this Writ Petition is disposed of permitting the petitioner to submit an appropriate application within a period of four weeks from the date of receipt of a copy of this order and on submission of such application, the first respondent shall process the same and release all the death benefits of petitioner's son to the petitioner as expeditiously as possible at any rate within a further period of two months without any reference to the second respondent herein. There shall be no order as to costs.

20.02.2024

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



WEB COPY



WP(MD) No.18382 of 2020

To

The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Madurai, Madurai District.



WEB COPY



WP(MD) No.18382 of 2020

MUMMINENI SUDHEER KUMAR, J.

vsm

W.P(MD)No.18382 of 2020

20.02.2024