



W.P.(MD) No.19127 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.19127 of 2020

&

WP(MD)No.15995 of 2020

J.Selvi

... Petitioner

Vs.

1.The Managing Director
Tamil Nadu State Transport Corporation Ltd
Head Office
Bypass road
Madurai-625 010

2.The Manager
Maintenance Section, Pasumalai Branch Depot
Tamil Nadu State Transport Corporation Ltd
Madurai

3.P.Dhaniyalakshmi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to grant the terminal benefits arising out of the death of the petitioner's son



W.P.(MD) No.19127 of 2020

J.Periyanan in equal shares to the petitioner as well as 3rd respondent within the time stipulated by this Court.

For Petitioner : Mr.V.S.Kishok Kumar

For Respondents : No Appearance for R1 and 2

Mr.B.Manivannan for R3

ORDER

This Writ Petition is filed to issue a Writ of Mandamus directing the respondents 1 and 2 to grant the terminal benefits payable on the death of the petitioner's son J.Periyanan in equal shares to the petitioner as well as 3rd respondent within the time stipulated by this Court.

2. The petitioner herein is the mother of one J.Periyanan who worked under the 1st respondent corporation with effect from 22.01.2016 with Employee ID No.J.T.M.No.TR16051 and died on 19.08.2019. The 3rd respondent herein is the wife of the deceased son of the petitioner. On the demise of the petitioner's son, the petitioner gave a consent of no objection for payment of the terminal benefits of her deceased son in favour of the 3rd



W.P.(MD) No.19127 of 2020

WEB COPY

respondent and also for appointment of the 3rd respondent herein on compassionate grounds. However, subsequently, the petitioner has changed her mind due to the alleged change of behaviour of 3rd respondent and claims to have submitted a letter dated 10.06.2020 withdrawing the consent given by her previously and to pay half of the terminal benefits to the petitioner and also requesting the respondents 1 and 2 not to pay the entire terminal benefits in favour of the 3rd respondent. Complaining the inaction on the part of the respondents 1 and 2 in taking action on the said letter dated 10.06.2020 submitted by the petitioner, the petitioner has approached this Court by filing the present Writ Petition.

3. Heard the learned counsel for the petitioner and the learned counsel appearing for the 3rd respondent. Though notice is served, there is no appearance on behalf of the respondents 1 and 2.

4. Learned counsel for the petitioner as well as the 3rd respondent submitted that they have no objection for receiving the terminal benefits of the deceased employee equally and an order may be passed directing the



W.P.(MD) No.19127 of 2020

respondents 1 and 2 for payment of entire terminal benefits equally to the petitioner and the 3rd respondent.

5. In the light of the above, there is legal impediment for disbursal of the terminal benefits of the deceased employee, and hence the respondents 1 and 2 are directed to disburse the terminal benefits of the deceased son of the petitioner equally to the petitioner and 3rd respondent as expeditiously as possible at any rate within a period of six weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

15.02.2024

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



WEB COPY



W.P.(MD) No.19127 of 2020

To

1.The Managing Director
Tamil Nadu State Transport Corporation Ltd
Head Office
Bypass road
Madurai-625 010

2.The Manager
Maintenance Section, Pasumalai Branch Depot
Tamil Nadu State Transport Corporation Ltd
Madurai



WEB COPY



W.P.(MD) No.19127 of 2020

MUMMINENI SUDHEER KUMAR, J.

kpr

W.P.(MD) No.19127 of 2020

15.02.2024