



W.P.(MD).No.25337 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.25337 of 2024

M.Thangammal

... Petitioner

VS

1. The Managing Director,
TamilNadu State Transport Corporation (Madurai) Ltd.,
Madurai.

2. The Divisional Manager,
TamilNadu State Transport Corporation (Madurai) Ltd.,
Dindigul Division,
Dindigul.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to immediately rectify the erroneous entry in the service register (SR) by removing the name “Ilangeswaran” and to disburse the terminal benefits, including death benefits, ESI, PF and other related dues, to the petitioner and other legal heirs of Late.Mageswaran, as per law and direct the respondents to release the terminal benefits considering by the petitioner’s representation dated 14.10.2024.



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For Petitioner : Mr.J.Vishnu
For Respondents : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The instant writ petition has been filed by the wife of the deceased employee, seeking a mandamus to rectify the erroneous entry made in the service register of deceased Mageswaran, by removing the name of one Ilangeswaran and direct the respondents to release the terminal benefits of the deceased as per the petitioner's representation dated 14.10.2024.

2. One Maheswaran was employed as a Conductor in the respondents' transport corporation and he passed away, while he was in service, on 31.05.2021. When the transport corporation had looked into the family details of the deceased Mageswaran in his service register, it was found that the name of one Ilangeswaran has been mentioned as one of the sons of the deceased Mageswaran. However, it is the contention of the writ petitioner and other family members, that there is no such person in the name of Ilangeswaran. Hence, they gave a representation to the respondents' authorities, to delete the name of Ilangeswaran and disburse the terminal benefits of the deceased Mageswaran.



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3. In view of the above said dispute, the legal heirs of the deceased Mageswaran have filed a suit in O.S.No.62 of 2023 before the District Munsif Court, Periyakulam, seeking a relief of declaration that they are the only legal heirs of the deceased Mageswaran and sought a mandatory injunction as against the revenue officials for issuance of legal heir certificate. After contest, the suit was decreed as prayed for on 18.10.2023. Based upon the said decree, a legal heirship certificate has been issued by the Thasildar, Periyakulam on 13.12.2023.

4. Enclosing the said legal heirship certificate, a representation has been addressed by the petitioner to the 2nd respondent herein, seeking to delete the name of Ilangeswaran in the Service Register of deceased Maheswaran. Since, there is no response, and the present writ petition has been filed.

5. It is the contention of the learned standing counsel appearing for the respondents that, in view of the entries made in the Service Register relating to Ilangeswaran, they are finding it difficult to release the terminal benefits.



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6. I have carefully considered the submissions made on either side and perused the materials available on record.

7. A perusal of the decree of the Civil Court made in O.S.No.62 of 2023, clearly reveals that one Kodeeshwaran, Vanishree, Matheshwaran, Minor.Thilageswaran, Thangammal and Minor.Tharaneeswari are the only legal heirs of the deceased Mageswaran. A legal heirship certificate has also been issued to the said effect.

8. In view of the above said facts, the respondents are directed to delete the name of Ilangeswaran in the Service Register book of the deceased Mageswaran and proceed to disburse the terminal benefits of the deceased Mageswaran, on the basis of the legal heirship certificate issued by the Tahsildar, Periyakulam on 13.12.2023, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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9. With the above said observation, this writ petition is disposed. No costs.

25.10.2024

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

1. The Managing Director,
TamilNadu State Transport Corporation (Madurai) Ltd.,
Madurai.

2. The Divisional Manager,
TamilNadu State Transport Corporation (Madurai) Ltd.,
Dindigul Division,
Dindigul.



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R.VIJAYAKUMAR,J.

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