



WEB COPY



W.A.(MD)No.720 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 22.04.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR**

**and**

**THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A.(MD)No.720 of 2024**

**and**

**C.M.P.(MD)No.5429 of 2024**

1.The Managing Director,

Tamil Nadu State Transport Corporation,  
(Madurai) Ltd., Bye Pass Road,  
Madurai – 625 016.

2.The General Manager,

Tamil Nadu State Transport Corporation,  
Dindigul Division,  
Dindigul – 624 004.

: Appellants

Vs.

1.Annalakshmi

2.Prabhavathy

: Respondents

**PRAYER:** Writ Appeal filed under Clause 15 of Letters Patent,  
praying to set aside the order passed by this Court in W.P.(MD)  
No.4667of 2015 dated 16.12.2022 and allow the Writ Appeal.

For Appellant : Mr.S.C.Herold Singh

For Respondent No.1 : Mr.R.Shankar Ganesh



## JUDGMENT

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Judgment of the Court was delivered by **R.SURESH KUMAR, J.]**

This Writ Appeal has been directed against the order passed by the Writ Court made in W.P.(MD)No.4667of 2015 dated 16.12.2022.

2.In fact, that was a common order passed in two Writ Petitions filed by the mother and daughter, who are the wife and daughter of the deceased employee of the appellant Transport Corporation.

3.The first respondent was the second wife who got married with the deceased employee on 03.12.2000, before which the first wife died in the year 2000, for which, the learned Counsel for the first respondent submitted that the marriage was solemnized between them as a valid marriage and therefore, she is the only surviving wife and she is entitled to family pension payable to the wife of the deceased employee.

4.The daughter of the deceased employee also claim the retiral benefits by filing a writ petition in W.P.(MD)No.4668 of 2015. It is brought to our notice that insofar as the retiral benefits is concerned, as the deceased employee has availed a loan from the



**W.A.(MD)No.720 of 2024**

Transport Corporation and in order to repay the same, the entire retiral benefits have to be set off, therefore, nothing would be available to pass on to the legal heirs of the deceased employee. These are all admitted facts.

5. When that being so, the direction given by the learned Judge in the impugned order that, the first respondent herein is entitled for family pension, as she was the only surviving legally wedded wife of the deceased employee is in order and we do not find any reason to interfere with the said order. Therefore, the challenge that has been made against the said order, naturally has to fail and accordingly, it fails.

6. Hence, the order passed by the writ court is approved and the Writ Appeal is dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

**[R.S.K.,J.] & [G.A.M.,J.]**  
**22.04.2024**

Neutral Citation : Yes/No

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MR



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**W.A.(MD)No.720 of 2024**

**R.SURESH KUMAR, J.**  
**and**  
**G.ARUL MURUGAN, J.**

MR

**ORDER MADE IN**  
**W.A.(MD)No.720 of 2024**

**22.04.2024**