



W.P.No.9869 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.02.2025

Coram:

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.9869 of 2023 &

W.M.P.No.9940 of 2023

1. M.Devi
2. M.Kavikuyil
3. Thamizh Mani
4. Minor Senthamizh

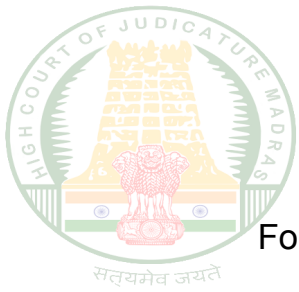
...Petitioners

Vs.

1. Tamil Nadu State Transport Corporation
Villupuram Limited
Thirunnamalai region,
rep. By its Manager,
Vengikkal, Thiruvannamalai
2. Tamilnadu State Transport Corporation Villupuram
Limited of Tamilnadu rep. By is
Managing Director, No.3/137,
Saalmedu, Vazhuduretty Post,
Villupuram – 605 602
3. Kavitha
4. M.Muthamizh Selvi

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 to dispose of representation dated 06.05.2022 and consequently disburse the death cum retirement gratuity benefits and pension amount to the 1st petitioner herein.



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For Petitioners

: Mr.K.Kulandai Velu

For Respondents

: Mr.R.Venkatesan Perumal for R1 & R2
Standing Counsel

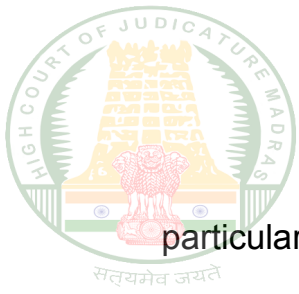
ORDER

The petitioners have filed this Writ Petition seeking for an issuance of a Writ of Mandamus directing the respondents 1 and 2 to dispose of representation dated 06.05.2022 and consequently disburse the death cum retirement gratuity benefits and pension amount to the 1st petitioner herein.

2. The brief facts of the case as averred by the petitioners are as follows:-

(i) The 1st petitioner's husband joined the service of the 1st respondent and worked as a conductor till his demise on 25.02.2020 leaving behind the 1st petitioner and his three daughters. During the subsistence of the marriage, the petitioner's husband had an illicit relationship with the 3rd respondent, out of which a girl child, namely, Muthamizh Selvi, 4th respondent was born.

(ii) The petitioners have approached the respondents 1 and 2 for closing the employment of the 1st petitioner's husband and sought for disbursement of the death cum retirement and gratuity benefits as well as pension amount, which the legal heirs are entitled to by way of various representations along with legal heir



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particulars, indicating that the 3rd respondent's objection is invalid as her relationship itself is invalid however, the same was not disbursed till date. Hence this petition.

3. According to the petitioners, the 3rd respondent claims right, as if she was married to C.Murugan as second wife and it is only a illegal relationship and there is a daughter, namely, M.Muthamizh Selvi, 4th respondent, alleged to be born through the said Murugan and 3rd respondent. Further, the 1st petitioner's name has been found in the service register as nominee and the 1st petitioner had genuinely included the 3rd respondent as one of the legal heir, thereby pleaded to disburse the benefits of the deceased.

4. It is the contention of the learned standing counsel appearing for the respondents 1 and 2 that they have not disbursed any benefits as there is another person claiming the benefits. Hence the authorities have directed to obtain succession certificate, as per order of this Court in W.P.No.24955 of 2017 dated 02.03.2022.

5. On going through the legal heirship certificate dated 22.06.2020, it is seen that the 1st petitioner being the wife of Murugan has obtained the said certificate by including the name of the petitioners as well as the 4th respondent,



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who is said to the daughter of the 3rd respondent and the authorities has not considered the documents produced by the petitioners herein and rejected the claim, which is without a valid reason and the petitioners submit that the deceased himself has included the daughter of the 2nd wife, as a legal heir in the legal heirship Certificate.

6. At this juncture, it is to be noted that the petitioners' case has to be considered by one way or the other and the petitioners and the 4th respondent are entitled to the benefits. Further, in the present case, the deceased person nominated the 1st petitioner and only when two persons claim for benefits of a deceased employee that too when nomination was not been made, the persons are advised to go before the civil forum to obtain succession certificate, as per decision of **Hon'ble Supreme Court in the case of Rameshwari Devi Vs. State of Bihar reported in (2000) 2 SCC 431**, but in the present case, the 1st petitioner has included the daughter of the 2nd wife as one of the legal heir, viz., Muthamizh Selvi.

7. Considering all the above, the authorities shall divide the Death cum Retirement benefits / retirement benefits due to be paid to the deceased into five parts and pay the said amount to the legal heirs of the deceased [ie., 1st petitioner, wife of the deceased, petitioners 2 to 4, daughters of the 1st petitioner and 4th



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respondent, daughter of the 3rd respondent] within a period of eight weeks from the date of receipt of copy of a order. It is also made clear that the family pension shall be paid to the 1st petitioner alone.

Accordingly, the present Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

07.02.2025

Index : Yes / No;
Internet : Yes / No
Speaking Order / Non Speaking Order
ssd

To

1. Tamil Nadu State Transport Corporation
Villupuram Limited
Thirunnamalai region,
rep. By its Manager,
Vengikkal, Thiruvannamalai
2. Tamilnadu State Transport Corporation Villupuram
Limited of Tamilnadu rep. By is
Managing Director, No.3/137,
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V.BHAVANI SUBBAROYAN, J.

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