



WEB COPY

WP No. 35480 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

WP No. 35480 of 2024

S.Selvi

Petitioner

Vs.

1. The Management Director,
Tamil Nadu State Transport
Corporation (Coimbatore) Limited,
Mettupalayam Road,
Coimbatore 641 043.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Coimbatore) Limited,
Mettupalayam Road,
Coimbatore 641 043.

3.The Branch Manager,
Tamil Nadu State Transport
Corporation Ltd, Ondipudur Branch,
Coimbatore.

4.The Administrator
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai 600 002.

Respondents

PRAYER: This writ petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for



the records from the 2nd respondent's letter Ref No.L3 / W.P.No 17967 / 2020 / sattaml / tha a Poo Ka (Covai) / 2024 dated 01.11.2024 and quash the same, consequently direct the 2nd respondent to give family pension to the petitioner with all other benefits with arrears from the date of death of the petitioner's husband S. N. Subramanian, who was working as Tradesman in 3rd Respondent's office.

For Petitioner(s): Saravanan P.
For R1 to R3 Mr. C. Gauthamaraj
Standing Counsel
For R4 Mr.C.S.K. Sathish
Standing Counsel

ORDER

The writ petition has been filed in the nature of Certiorarified Mandamus seeking records relating to an order of the second respondent, dated 01.11.2024, and quash the same and direct the second respondent to pay the family pension to the petitioner with all benefits together with arrears from the date of death of the husband of the petitioner, S.N.Subramanian, who was working as Tradesman in the office of the third respondent.

2.In affidavit filed in support of the writ petition, it had been stated that the husband of the writ petitioner, S.N. Subramanian was working as Tradesman in the office of the third respondent on and from 24.12.1981. He died while in



WEB COPY

service on 04.07.2012. It had been further stated that he had initially married one Bakkialakshmi. Thereafter, HMOP No.24 of 95 came to be filed seeking dissolution of the said marriage before the Sub Court at Dharapuram. A decree of divorce between the husband of the petitioner and Bakkialakshmi was passed on 15.10.1996. The petitioner married her husband on 03.10.1997 at Kodumudi Sri Magudeswaran Temple. A joint account in the State Bank of India, Singanallur Branch, had also been opened. Thereafter, the mother in law of the petitioner had obtained a legal heirship certificate, in which, her name alone was reflected. The petitioner raised a protest and an enquiry was conducted and legal heirship certificate was issued in the name of the petitioner and in the name of her mother in law. This is sufficient to prove and show that the petitioner is a legal heir of her husband in her capacity as widow. She is therefore entitled for family pension and death benefits. In the impugned order, she had been directed to get proof of marriage. As stated, their marriage took place in a temple after the divorce between the husband of the petitioner and his first wife. This fact had also been recognised by a quasi judicial authority, the Sub Collector, Dharapuram, who had passed an order dated 24.07.2018



cancelling the legal heirship certificate issued only in the name of the mother in

law of the petitioner and directed to include the petitioner's name also in the

legal heirship certificate.

3.The learned counsel for the petitioner pointed out that the marriage certificate had also been enclosed as a document.

4.Taking all the factors into consideration, presumption must be drawn in favour of the petitioner that she must be considered as a legal heir of S.N.Subramanian in her capacity as widow. There are also no further rival claims. The writ petition therefore stands allowed. A direction is given to the second respondent to pass appropriate orders directing the grant of family pension and retirement benefits to the petitioner herein. Necessary orders in this regard should be passed within a period of three months from the date of receipt of a copy of this order and the said amount should also be disbursed within a period of three months. If there is a delay, the petitioner is entitled for interest at 6% per annum from the date of death of S.N.Subramanian till the date actual date of disbursement.



5. Writ petition stands allowed. No Costs. Consequently, connected miscellaneous petitions, if any, are also closed.

WEB COPY

26-03-2025

sli

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Management Director
Tamil Nadu State Transport
Corporation (Coimbatore) Limited,
Mettupalayam Road,
Coimbatore 641 043.

2. The General Manager
Tamil Nadu State Transport
Corporation (Coimbatore) Limited,
Mettupalayam Road,
Coimbatore 641 043.

3. The Branch Manager
Tamil Nadu State Transport
Corporation Ltd, Ondipudur Branch,
Coimbatore.

4. The Administrator
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai 600 002.



WEB COPY

WP No. 35480 of 2024



C.V.KARTHIKEYAN J.

sli

WP No. 35480 of 2024

26-03-2025