



WEB COPY

WP No. 9505 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-01-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 9505 of 2024

Rasammal

W/o.Late.M.Athiyappan, No.7/144, Arasalur Road,
Esanai Village, Perambalur Taluk And District.

..Petitioner(s)

Vs

The Assistant Manager

Tamil Nadu State Transport Corporation
(kumbakonam) Ltd., Trichy Zone, Trichy.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings in TNSTC/ Thiru/ Pension/ Special/ 5255/ 2023 dated 23.12.2023 issued by the respondent and quash the same and direct the respondent to provide pension benefits of the petitioners husband.

For Petitioner(s): Mr.D.Ashok Kumar

For Respondent(s): Mr.M.Aswin



ORDER

WEB COPY This Writ Petition has been filed seeking quashment of the impugned proceedings in TNSTC/ Thiru/ Pension/ Special/ 5255/ 2023 dated 23.12.2023 passed by the respondent and a direction to provide family pension benefits to the petitioner herein.

2. Mr.M.Aswin, learned counsel takes notice on behalf of the respondent. In view of the consent expressed by the learned counsel on either side, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that the petitioner's husband served as a Driver in the respondent Transport Corporation and retired from service on 31.08.2010. Thereafter, pension was paid to him regularly. While so, he passed away on 31.05.2015. The petitioner, claiming to be his second wife, made a representation dated 20.12.2023 before the respondent, seeking disbursement of family pension and other terminal benefits. The said representation was rejected on the ground that her name was not found in the legal heir certificate. Challenging the said rejection order, the petitioner has filed this Writ Petition.



4. Learned counsel for the petitioner submitted that the petitioner's husband was initially married to one Sivagami, who subsequently she deserted him and married one Ramasamy. Thereafter, the petitioner married the deceased and was blessed with two sons. It is contended that despite being the legally wedded wife of the deceased employee, the petitioner has not been granted family pension and other retirement benefits after his demise. The learned counsel contended that when the petitioner's husband was alive, he submitted a declaration before the respondent Corporation declaring the petitioner as his legally wedded wife, and the said declaration was affixed with their photographs. It is also submitted that the petitioner's name is found in the family pension card. Without verifying these materials, the respondent has mechanically rejected the claim of the petitioner solely on the ground that her name was not found in the legal heir certificate. Hence, the learned counsel seeks quashment of the impugned order and a direction to settle the pension and other retirement benefits to the petitioner.

5. Per contra, Mr.M.Aswin, learned counsel appearing for the respondent submitted that family pension can be granted only if the claimant's name is found in the legal heir certificate. In the absence of the such entry, the respondent cannot sanction the pensionary benefits. However, the learned counsel fairly submitted that a declaration form appears in the typed set of papers, wherein the deceased employee has declared the petitioner as his legally



wedded wife and the said form was affixed with their photographs.

6. In view of the fair submission made by the learned counsel for the respondent and considering the materials placed on record, this Court is inclined to set aside the impugned order.

7. Accordingly, the impugned order dated 23.12.2023 is set aside and the petitioner is directed to make a fresh representation regarding family pension, along with relevant records before the respondent, together with a copy of this order. Upon receipt of the same, the respondent shall verify the declaration form and the other relevant records. If the declaration is found to be genuine, the respondent shall pass appropriate orders on the same in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and any other interested parties.

8. This Writ Petition stands allowed with the aforesaid direction. There shall be no order as to costs.

07-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
ANU



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To
The Assistant Manager

Tamil Nadu State Transport Corporation
(kumbakonam) Ltd., Trichy Zone, Trichy.



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M.DHANDAPANI, J.

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