

(2018) 02 KAR CK 0105
In the Karnataka High Court
Case No : 51698 of 2016 (S-KSRTC)

SMT. SWATHI C

APPELLANT

Vs

THE MANAGING DIRECTOR

RESPONDENT

Date of Decision : 05-02-2018

Acts Referred:

Citation : (2018) 02 KAR CK 0105

Hon'ble Judges : Raghvendra S. Chauhan

Bench : Single Bench

Advocate : PARTHASARATHI M. S., B. L. SANJEEV, HARISH H. V

Final Decision : Disposed off

Judgement

1. The petitioner, Smt. Swathi C, has approached this Court in order to challenge the endorsement dated 22/29.8.2016, issued by the Divisional

Controller, KSRTC, whereby the Divisional Controller had informed the petitioner to produce the succession certificate in case she was desirous

of receiving the death benefits, and the family pension. The petitioner has also sought the relief that the respondent Nos.1 to 3 should be directed to

appoint the petitioner on compassionate ground, as her husband, Mr. Srihari S, had expired during the course of his service as a Conductor with

the KSRTC. She has also sought the relief that the respondent Nos.1 to 3 should be directed to pay the terminal benefits to the petitioner in

accordance with the Service Rules as applicable to the employees of the KSRTC.

2. Briefly the facts of the case are that in the year 2009, Mr. Srihari S. had joined the service with the KSRTC. At the relevant time, he was

unmarried. Therefore, in his service record he had shown his mother, Smt. Lalithamma, as a nominee. Subsequently, on 27.10.2010, Mr. Srihari

S. married the petitioner. During the course of his service, on 21.4.2016, Mr. Srihari S. expired in an accident. Therefore, on 25.5.2016, the petitioner submitted a representation for seeking the release of all the terminal benefits, and for seeking benefits of family pension. Since the representation did not elicit any response, on 4.7.2016, she filed another representation for the same purpose. Even the said representation fell on deaf ears. On 29.8.2016, she filed a third representation, along with the death certificate of her late husband. By endorsement dated 22/29.8.2016, the respondent No.2 informed the petitioner that since there was already a claim made by her in-laws, namely the respondent Nos.4 and 5, for seeking the terminal benefits, she is required to produce the succession certificate issued by a Court. Hence, this petition before this Court.

3. The learned counsel for the parties are ad idem that during the pendency of this writ petition, the parties have entered into a settlement before the Lok Adalath. A copy of the settlement was submitted before the learned Senior Civil Judge, Madhugiri in P & SC No.3/2016. A copy of the settlement has also been produced before this Court. According to the settlement, the petitioner, and the respondent Nos.4 and 5 have agreed that the family pension shall be paid by the KSRTC to the petitioner, Smt. Swathi C. The respondent Nos.4 and 5 have agreed that they will not raise any objection to the same. Moreover, the death benefits should be apportioned 60% in favour of the respondent Nos.4 and 5, and 40% in favour of the petitioner. Therefore, the learned counsel for the petitioner submits that the KSRTC should be directed to pay the family pension in favour of the petitioner, and to proportionally pay the death benefits to the petitioner, and the respondent Nos.4 and 5, as mentioned in the settlement memo. He further pleads that the KSRTC should be directed to give the compassionate appointment to the petitioner, as agreed by the respondent Nos.4 and 5.

4. Mr. B. L. Sanjeev, the learned counsel for the KSRTC, submits that in case a representation is filed by the petitioner, along with a copy of the settlement memo submitted by the petitioner and the respondent Nos.4 and 5 before the Lok Adalath, the KSRTC shall pay the family pension to the petitioner, and pay the death benefits proportionally, as mentioned

hereinabove, within a period of one month. However, the learned counsel pleads that whether the petitioner is entitled to appointment on basis of compassionate ground should be left to the discretion of the KSRTC, and no order should be passed by this Court with regard to the said appointment.

5. Therefore, the petitioner is directed to submit a representation, along with a copy of the settlement reached between the petitioner and the

respondent Nos.4 and 5 before the KSRTC on or before 15.2.2018. The respondent Nos.1 to 3 are directed to pay the family pension to the

petitioner, and pay the death benefits in the proportion agreed between the parties, on or before 15.3.2018.

6. Since various factors should be kept in mind before appointment can be given on compassionate ground, it is for the respondent Nos.1 to 3 to

decide whether the petitioner can be granted the appointment on compassionate ground or not. Thus, the said issue is left open to be decided by

the respondent Nos.1 to 3. The respondent Nos.1 to 3 shall consider the case of the petitioner for compassionate ground on or before 15.3.2018.

However, it is clarified, in case the petitioner is still aggrieved by denial of the appointment on compassionate ground, she shall be free to challenge

the same before this Court.

7. With these observations, this petition stands disposed of.