

(2014) 09 MAD CK 0327
In the Madras High Court
Case No : W.P. (MD) No. 15088 of 2013

Thiruvengadam Janaki

APPELLANT

Vs

The Administrator

RESPONDENT

Date of Decision : 22-09-2014

Acts Referred:

Citation : (2014) 09 MAD CK 0327

Hon'ble Judges : K.K. Sasidharan, J

Bench : Single Bench

Judgement

K.K. Sasidharan, J.—The stand taken by the State Express Transport Corporation, Madurai to the affect that benefits would be given to the wife of the deceased only in case her mother-in-law gives consent, made the petitioner to file this Writ Petition.

2. The petitioner is the wife of Thiru.S.Subramanian. Thiru.Subramanian worked as a Conductor. While in service, he died on 25.12.2012. The petitioner submitted an application, requesting the second respondent to pay her the amount due to the deceased in her capacity as nominee. The petitioner has also submitted an application for compassionate appointment. The second respondent wanted the petitioner to obtain no objection from her mother-in-law. Since the authorities failed to give benefits to the petitioner, she was constrained to file this Writ Petition.

3. The petitioner is present in Court. The fifth respondent is also present in Court. The fifth respondent submitted that his wife, the fourth respondent herein is bed ridden and as such he represents her.

4. I have discussed the matter with the petitioner and the fifth respondent. The fifth respondent maintained that he has given a sum of Rs.1,75,000/- for the treatment of the deceased and in case the petitioner is agreeable to pay the said amount out of statutory benefits, he has no objection to pay the remaining amount to her. However, the petitioner disputed the said contention. According to

the petitioner, the entire expenses were borne by her and as such no amount is payable to the fifth respondent. However, with a view to give a quietus to the matter, she agrees to pay the said amount.

5. The fifth respondent on behalf of respondents 4 and 5 filed an affidavit dated 22.09.2014, wherein he has made an endorsement that he is signing the affidavit on his behalf and on behalf of his wife.

6. According to the respondents 4 and 5, in case Rs.1,75,000/- is paid, they have no objection for disbursing the statutory benefits to the petitioner. The affidavit shall form part of records. In view of the settlement made between the petitioner and respondents 4 and 5, I am of the view that respondents should be directed to make payment.

7. The second respondent is directed to calculate the amount payable to the deceased. There shall be a direction to the second respondent to pay Rs.1,75,000/- to the fourth respondent. The amount should be paid by way of Demand Draft/Cheque drawn in the name of fourth respondent and it should be sent to her in the address shown in the cause title. The said payment would be in full and final satisfaction of her claim, which would include the property left by the deceased.

8. The petitioner is entitled to the entire remaining amount in her capacity as the wife of the deceased as well as the nominee. The petitioner should also be given pension, as she is the widow of the deceased. The amount shall be paid as expeditiously as possible and in any event within a period of three months from the date of receipt of a copy of this order.

9. The petitioner has also made an application for compassionate appointment on 22.07.2013. The second respondent is directed to consider and dispose of the said application on merits and as per law. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

10. The Writ Petition is disposed of with the above direction. No costs.