

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.10.2016
CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.37392 of 2016

Malliga

... Petitioner

Vs.

1 The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy,
Villupuram - 605 602.

2 The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Kancheepuram Region, Villupuram.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle the petitioner's husband's retirement benefits including Provident Fund, Gratuity, Commutation, EL Surrender and ML Surrender with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioners husband payable from the date of retirement i.e. 30.09.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court to and in favour of the petitioner.

For Petitioner : Mr.M.Selvam
For Respondents : Mr.S.Sairaman

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O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the respondents to settle the petitioner's husband's retirement benefits including Provident Fund, Gratuity, Commutation, EL Surrender and ML Surrender with

interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner's husband payable from the date of retirement i.e.30.09.2013 to till date of actual payment to the petitioner, within the time that may be stipulated by this Court to and in favour of the petitioner.

3.The petitioner would state that her husband Late Ganapathy joined in the service of the respondent Corporation as a Driver on 06.01.1985 and retired as a Selection Grade Driver on 30.09.2013 and he was not paid the terminal benefits like Gratuity, Surrender Leave (EL & ML), Settlement arrears, IRT amount and RBS fund. Whileso, the petitioner's husband died on 30.11.2015 and since the petitioner is the only legal heir of late Ganapathy/ employee, she made representation to the respondents seeking to settle the above benefits, but the same was not considered so far. Hence, this petition.

4.Heard the submissions of the learned counsel appearing for the petitioner and the learned counsel who take notice for the respondents.

5.Considering the submissions made on either side and without going into the merits of the case, this Court directs the respondent to consider the petitioner's representation dated 30.08.2016, on merits and in accordance with law and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1 The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy,
Villupuram - 605 602.

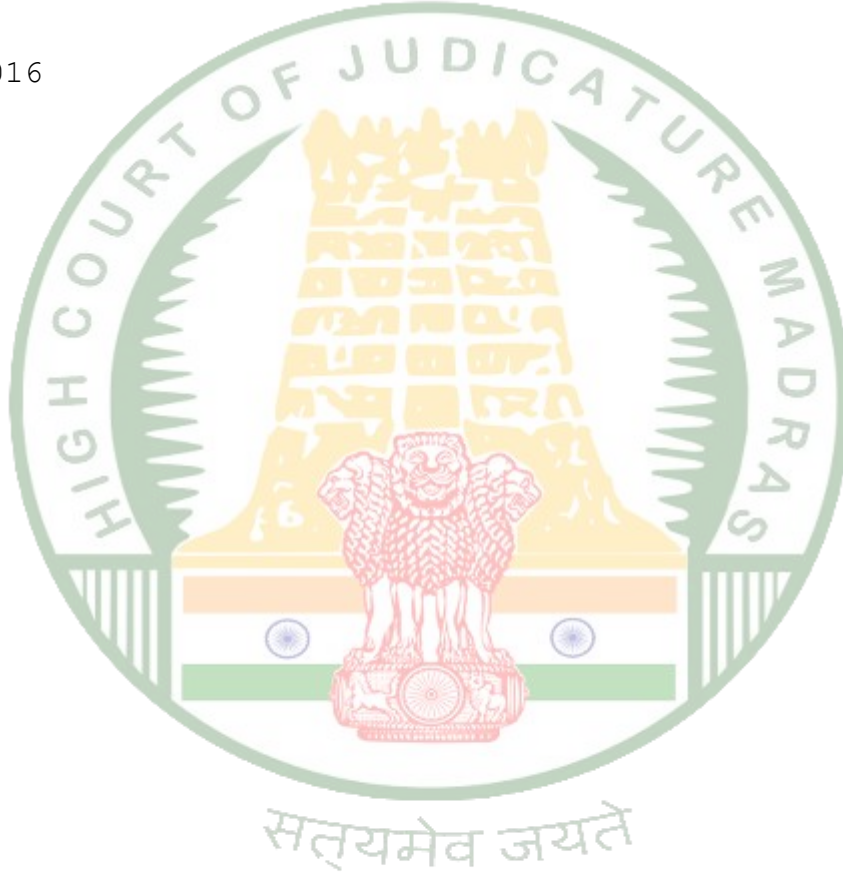
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2 The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Kancheepuram Region, Villupuram.

+1 cc to Mr.M.Selvam Advocate sr 60910
+1 cc to Mr.S.Sairaman Advocate sr 61528

W.P.No.37392 of 2016

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