



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2016

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P(MD) No. 20981 of 2015
and M.P(MD) No. 2 of 2015

1. Revathy
2. Minor A. Haripriya
Rep. By her mother and Natural
Guardian 1st petitioner.
3. S. Subbaiah
4. S. Petchiyammal

... Petitioners

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation,
Madurai Division, Bye-pass road, Madurai.

2. The General Manager,
Tamil Nadu State Transport Corporation,
Madurai Division, Dindigul Region,
Dindigul.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records and quash the impugned order passed by the second respondent in his proceedings bearing No. Parvai. Ma. Ni. Pi. E5/680, dated 12.10.2015 on the ground that the same is arbitrary, illegal, perverse and consequently directing the respondents to settle the pension and other terminal benefits to the petitioners and to avail the compassionate appointment to the first petitioner by including the petitioner Nos. 1 and 2 as legal heirs in service records of the employee of the respondents corporation namely S. Anbuselvan, Roll No. 62414, Theni Branch.

For Petitioner : Mr. R. Shankar Ganesh
For Respondents : Mr. A. Jeyaram

ORDER

Mr. A. Jeyaram, learned counsel takes notice for the respondents.

2. By consent of parties, the main Writ Petition is taken up for final disposal.

3. This Writ Petition is directed against the order passed by the second respondent in his proceedings bearing No. Parvai. Ma. Ni. Pi. E5/680, dated 12.10.2015 and to quash the same as illegal.



4. The case of the petitioners is that the husband of the first petitioner was an employee with the respondent corporation as a Conductor and he married the first petitioner on 28.06.2006 and the second petitioner, who is a minor was born out of the wedlock. While so, the husband of the first petitioner died in a road accident. Hence, the first petitioner has made an application to the respondents on 12.03.2015 to disburse the pensionary benefits and other terminal benefits and also seeking compassionate appointment. Another representation was also made by the petitioners to the first respondent on 28.07.2015 and the same is still pending without any disposal. Thereafter, the petitioners made one another application to the respondents on 22.09.2015, which was rejected by the second respondent on 12.10.2015 by the impugned order. In the said impugned order, it is stated that the deceased had not nominated any of the family members in the Service Register during his service period and on 18.03.2015, when the third petitioner, who is the father of the deceased represented with the respondents in person, he was advised to get an order of Court in this regard. As no steps were taken by the petitioners to register the legal heirship, the respondents have rejected the representation.

5. The deceased employee of the respondent Corporation had left behind his wife and his minor child and also his parents as legal heirs, who are the petitioners 1 to 4 herein, the legal heirship certificate issued by the Tahsildhar, Periyakulam, has also been attached in the typed set of papers and it is also stated by the petitioners that there is no rival claims between the wife and son and the parents of the deceased. Merely because the nomination was not entered in the Service Register, the respondents cannot deprive the petitioners of their lawful entitlement. As the petitioners had produced the legal heirship certificate, it is directed that the third respondent may after due verification of the same, settle the pension and other terminal benefits to the petitioners.

6. As the Transport Corporation has not been settling the retirement benefits of their employees, they are knocking the doors of this Court for the same. For that, this Court has also been passing uniform orders following the Judgment of the First Bench of this Court in W.A(MD)Nos.383 to 457 of 2015, dated 12.06.2015, wherein a direction was issued to the transport corporations to settle the terminal benefits of its employees in 12 equal monthly installments and to pay 6% interest on the terminal benefits payable to the workman. The Bench has also held that workman is entitled to 18% interest for the defaulted period of installments.

7. In these circumstances, the writ petition is disposed of with the following directions:-

(i) A direction is issued to the transport corporation to settle the terminal benefits of the petitioners that are yet to be settled, in twelve monthly installments.



(ii) The first installment shall commence by making payment on or before 10.03.2016 and the amount in each of the remaining installments shall be paid on or before 10th day of every succeeding month.

(iii) The said terminal amount shall carry interest @ 6% per annum as per the Division Bench judgment referred to above. In case of delay in making installments, the interest payable could be 18% for the delayed period.

8. The aforesaid direction to settle the terminal benefits would not preclude the petitioners to question the computation of any of the terminal benefits, if the same is paid lesser than the amount to which, they are entitled to receive. Likewise, if the petitioners have any grievance that they are entitled to interest for the amount already settled, they can agitate the same as per law, if they are entitled. No Costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (C.O.) (I/C)

/True Copy/

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu State Transport Corporation,
Madurai Division, Bye-pass road, Madurai.
2. The General Manager,
Tamil Nadu State Transport Corporation,
Madurai Division, Dindigul Region, Dindigul.

+1cc to Mr. R. Shankar Ganesh, Advocate SR.No.8020

akm/24.02.2016/3p-4c/SKN/SK

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