



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2016

CORAM

THE HONOURABLE **MR.JUSTICE T.RAJA**

W.P(MD) .No.10351 of 2016

Mahalakshmi

... Petitioner

Vs

1.The Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd,
rep.by its Managing Director, Kumbakonam.

2.The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd,
Trichy Region, Trichy.

3.The Administrator,
The Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

... Respondents

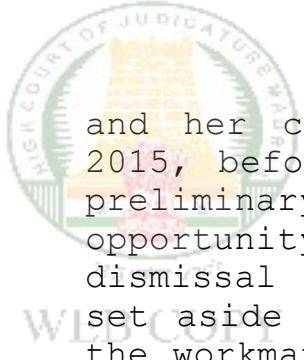
Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents to settle terminal benefits of the petitioner's deceased husband Late.V.Thangaraj to her including gratuity, leave salary, family pension and all other attendant benefits with interest at the rate of 18% per annum from the date of the death of petitioner's husband ie.from 26.10.2009 to till date on which the above amounts are settled to her.

For petitioner : M/s.A.Rahul
For Respondent : Mr.D.Sivaraman

ORDER

Mrs.Mahalakshmi, wife of late.P.Thangaraj, has come to this Court seeking the terminal benefits of her husband.

2. Learned counsel for the petitioner submitted that although the petitioner's husband while serving as a Tradesman since 1982, was terminated by the second respondent through an order dated 29.09.1995, subsequently, after his death, on 26.10.2009, challenging the order of termination, the petitioner



and her children raised an industrial dispute in I.D.No.30 of 2015, before the Labour Court, Trichy. The Labour Court passed a preliminary award on 05.05.2009 holding that sufficient opportunity was not provided prior to passing the order of dismissal from service. Eventually, the Labour Court, Trichy has set aside the order of dismissal dated 29.09.1995 passed against the workman. Subsequently, the petitioner made a representation to the respondents on 18.04.2016 seeking the terminal benefits. Since it did not evoke any response, the petitioner is before this Court.

3. At this point of time, learned Standing Counsel appearing for the respondent Transport Corporation submitted that originally the petitioner along with her children raised an industrial dispute, of course, it was allowed in favour of the petitioner and legal heirs. However, now the petitioner alone has made an application seeking a direction to pay the terminal benefits. Therefore, if an application is made by all the claimants or if the petitioner is able to produce 'No Objection Certificate' from the other claimants, the respondents will pass appropriate orders.

4. In view of the above, the petitioner is directed to make an application on behalf of all the claimants or on her behalf after producing 'No Objection Certificate' from the other claimants, within a period of one week from the date of receipt of a copy of this order, whereupon, the respondents are directed to consider the claim of the petitioner in tune with the order passed by the Hon'ble Division Bench in W.A.(MD).Nos.383 to 457 of 2015, dated 12.06.2015, and dispose of the claim of the petitioner commencing from 01.08.2016 onwards. If no application is received from the petitioner, the respondents shall pass appropriate orders in accordance with law.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1.The Managing Director,
The Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd,

Kumbakonam.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd,
Trichy Region, Trichy.

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3.The Administrator,
The Tamil Nadu State Transport Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai-600 002.

+1 CC to Mr.A.RAHUL, Advocate, SR No.35110
+1 CC to Mr.D.SIVARAMAN, Advocate, SR No.35027

W.P (MD) .No.10351 of 2016
05.07.2016

ssm

SH/ARK-PV/SAR-I:14.07.2016:3P/6C