



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2016

CORAM

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.18353 of 2016

R.Packia Selvi

... Petitioner

vs.

1)The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
31, Kamarajar Salai,
Chennai-5.

2)The Joint Chief Engineer,
TWAD Board,
Head Office,
Chennai-5.

3)The Chief Engineer,
TWAD Board,
Ganesh Nagar,
Madurai.

4)The Superintending Engineer,
TWAD Board,
Tirunelveli,
Kanyakumari District.

5)The Executive Engineer,
TWAD Board,
RWS Division,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to grant the petitioner all the monetary and pensionary benefits due to the petitioner's husband with interest the rate of 12% per annum for the delayed payment.

For Petitioner : Mr.Hariharan Nair

For Respondents : Mr.K.Muthuramalingam

Standing Counsel

ORDER

The petitioner's husband, while working as Assistant Executive Engineer in TWAD Board, expired on 17.12.2011; the petitioner has made a representation dated 23.12.2011, to the 2nd respondent, seeking disbursement of the retirement and pensionary benefits payable to her husband; the 2nd respondent, by letter, dated 10.01.2012, directed the petitioner to send all the documents, including legal heirship certificate and thereafter, the petitioner along with the death certificate of her husband and the order dated 06.02.2013 made in Succession O.P.No.1401/2013, made a representation dated 19.02.2014 to the 5th respondent, but no orders were passed thereon. Hence, the petitioner has filed this Writ Petition, for a Mandamus, directing the respondents to grant her all monetary and pensionary benefits due to her husband with interest @ 12% per annum for the delayed payment.

2.The learned counsel for the respondents would submit that it is agreeable for the respondents to disburse the retirement benefits of the petitioner's husband in 12 equal monthly installments, as per the order passed by the First Bench of this Court in W.A.(MD) Nos.383 to 457 of 2015, dated 12.06.2015.

3.Recording the said submission made by the learned counsel for the respondents, the writ petition is disposed of with the following directions:-

i)A direction is issued to the respondents to settle the terminal benefits of the petitioner's husband that are yet to be settled, in twelve equal monthly installments;

ii)The first installment shall commence by making payment on or before the First Week of November 2016 and the amount in each of the remaining installments shall be paid on or before 10th 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;

iv) The aforesaid direction to settle the terminal benefits would not preclude the petitioner to question the computation of any of the terminal benefits, if the same is paid lesser than the amount to which, her husband is entitled to receive. Likewise, if the petitioner has any grievance that her husband is entitled to interest for the amount already settled, she can agitate the same as per law, if her husband is entitled. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

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

Sub Assistant Registrar



nbi
To,

+1CC to Mr.Hariharan, advocate Sr.No.55931
+1CC to K.Muthuramalingam, Advocate Sr.No.56753

GJM/SK/SKN/21.10.16-3p-3C

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