

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.14733 of 2016

ORDER:

The petitioner is the wife of the deceased employee of the second respondent Corporation. Her husband expired on 25.10.1999 while working as R & AC Instructor in Musheerabad Training Centre. The petitioner was appointed as Record Assistant in the second respondent Corporation on compassionate grounds. Even after lapse of 16 years, when gratuity amount due to the husband of the petitioner not paid, the present writ petition was filed.

2. The only defence taken in the counter-affidavit of the second respondent is that after receipt of representation from the petitioner, it addressed a letter dated 20.12.2005 to the Life Insurance Corporation of India (LICI) for payment of group gratuity amount to the petitioner and 7 others similarly situated employees. It appears that LICI, vide its communication dated 16.01.2016, stated that any death claim under the policy has to be reported within 3 months from the date of death and since there is a delay, the same cannot be paid. The LICI vide its letter dated 30.11.2005 informed that all death claims reported 3 years after date of occurrence will be treated as ex-gratia. In those circumstances, the second respondent addressed a letter dated 26.10.2012 to the Government seeking permission to pay the group gratuity amount to the legal heirs of the deceased employees. It was followed by another letter dated 05.12.2014.

3. There is no dispute that the second respondent is the employer and therefore it is under an obligation to pay the gratuity amount due to the legal heirs consequent to the death of the

employee. There is no dispute with regard to working of the husband of the petitioner and his death.

4. In the circumstances, the second respondent is directed to pay the gratuity amount due to the petitioner consequent to the death of her husband along with interest @ 6% per annum from the date when it was due till the date of payment.

5. The writ petition is, accordingly, allowed. No order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 14.07.2016
TJMR