

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.5336/2017

K.Bharathi

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Petitioner

Vs

1.The Managing Director,
TNSTC [Villupuram] Ltd.,
Head Office, No.3/137,
Vazhudha Reddy Post,
Salamedu, Villupuram.

2.The General Manager
Tamil Nadu State Transport
Corporation [Villupuram] Ltd.,
Kancheepuram Region,
Kancheepuram.

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Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to settle the petitioner benefits including Gratuity, Commutation, Labor Welfare Fund, Medical College Fund and IRT fund and interest for belated Settlement of Provident fund, Gratuity, Commutation and Labour Welfare Fund and in other benefits etc., with interest at the rate of not less than 18% per annum payable from the date of the death of petitioner husband and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of benefits of the petitioner payable from the date of death of petitioner father namely C.M.Karthikeyan, i.e., 19.08.2002 to til date of actual payment to the petitioner within the time that may stipulated by this Court.

For Petitioner : Mr.M.Selvam

For Respondents: Mr.P.Paramasivados

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Paramasivadoss, learned counsel accepts notice on behalf of the respondent.

2 The petitioner would aver that her father [late] C.M.Karthikeyan, was an employee in the services of the Tamil Nadu State Transport Corporation [Villupuram] Limited and he was working as Senior Conductor with Employee No.61964 Badge No.30884 and he died on 19.08.2012, while in service. According to the petitioner, his mother and younger brother were missing from the year 2004 and despite very many efforts, they could not be traced and therefore, she is the only legal heir. According to the petitioner, on account of the demise of her father, she is entitled to the retiral/terminal benefits such as Gratuity, Commutation, Labour Welfare Fund, Medical College Fund and IRT Fund, Interest for belated Settlement of Provident Fund, Gratuity, Commutation and Labour Welfare Fund etc. and in this regard, the petitioner has submitted a personal representation dated 15.03.2015 followed by another representation dated 30.01.2017 and since the said representations failed to invoke any kind of response, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that as per the proceedings of the 1st respondent dated 26.05.2016, a sum of Rs.118795.55p. was directed to be paid to the petitioner under the Family Benefit Scheme and apart from that, no other amounts have been paid and therefore, prays for appropriate orders.

4 The Court heard the submissions of Mr.P.Paramasivadoss, learned Standing Counsel appearing for the respondents.

5 This Court has taken into consideration the said judgment and also the stand of the respondents including the Administrative Department in its order dated 19.01.2017 made in WP.No.42555/2016 [A.Annamalai Vs. The Managing Director, Tamil Nadu State Transport Corporation Limited, Salem and others] and issued necessary directions and for the purpose of disposal of the cases, it is relevant to extract the common judgment made in the above cited writ appeal :-

"The learned Additional Advocate General submits that he has obtained written instructions vide letter No.7945/B/2015-2 dated 11/06/2015 that the terminal benefits of the appellants would be settled through twelve equal monthly installments, carrying interest of 6% p.a.

2.The said statement is thus taken on record and the respondents will be bound by the same. We have to keep in mind the judicial pronouncement of the Honourable Supreme Court in D.D.Tewari (D) Thr. Lrs. Vs. Utta Haryana Bujli Vitran Nigam Limited & Ors [2014 (e) scale -78] wherein it is held that in case of any delay in making the payment of the installments, the interest payable would become 18% p.a., for the delayed period apart from any other remedy which may be available to the appellants for non-compliance of undertaking given to this Court.

3.The installments to be paid from July 2015 and each installments should be paid on or before 7th of each month.

4. The Writ Appeals are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed."

6 This Court, in the light of the above facts and circumstances, directs the respondents to consider and dispose of the petitioner's representation dated 28.01.2017 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 and communicate the decision taken, to the petitioner.

7 The writ petition stands disposed of with the above direction. No costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

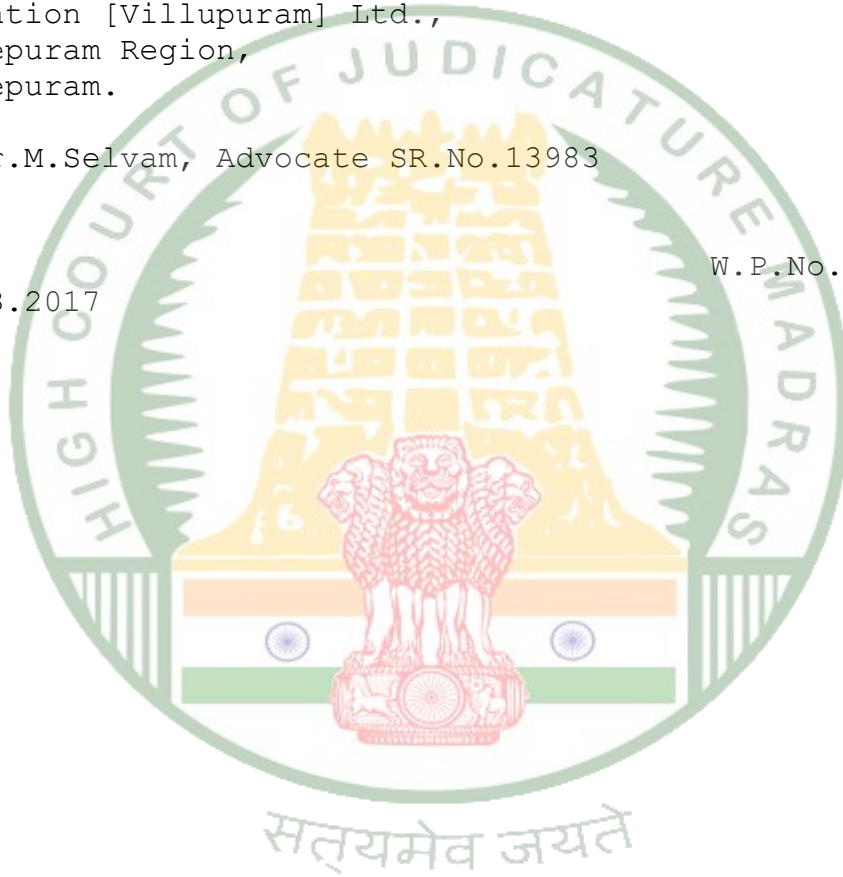
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+1cc to Mr.M.Selvam, Advocate SR.No.13983

SDR 15.03.2017

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