

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.5340/2017

M.Mahalingam

... Petitioner

Vs

The Managing Director,
Tamil Nadu State Transport Corporation
Ltd., 37, Mettupalayam Road
Coimbatore 641043.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to pay the petitioner all terminal benefits which he is entitled on account of the death of his elder brother as the only legal heir including Provident Fund, Gratuity, Leave Salary amount and all other benefits with interest at the rate of 18% per annum within the time frame that may be stipulated by this Court, and to grant him the interest at the rate of 18% per annum for the belated settlement of his eligible benefits from the date of accrual to till the date of settlement by the respondent within the time that may be stipulated by this Court.

For Petitioner : Mr.A.Rajendiran

For Respondent : Mr.P.Kannan Kumar

ORDER

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

2 The petitioner would aver that his brother, viz., Mr.Krishnasamy, joined the services of the respondent Corporation as a Company Apprentice [Clerical] with effect from 04.06.1992 and while working as Senior Assistant, died in harness on 03.12.2014. According to the petitioner, his brother was not married and died as a Bachelor and he is the sole

surviving legal heir and he has also obtained the Legal Heir Certificate dated 31.01.2015 issued by the Tahsildar, Pollachi, to that effect. The grievance expressed by the petitioner is that though his brother died in harness as early as on 03.12.2014, the retiral/terminal benefits, due and payable to his brother to be paid to him and in this regard, he has also submitted a representation dated 20.02.2017 to the respondent praying for conferment of the said benefit and in spite of receipt and acknowledgment, no orders have been passed so far and therefore, the petitioner came forward to file the present petition.

3 Heard the learned counsel for the petitioner and Mr.P.Kannan Kumar, learned Standing counsel appearing for the respondent.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondent to consider and dispose of the petitioner's representation dated 20.02.2017 on merits and in accordance with law and pass 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.

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

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

AP

To

The Managing Director,
Tamil Nadu State Transport Corporation
Ltd., 37, Mettupalayam Road
Coimbatore 641043.

+1cc to Mr.P.Kannan Kumar, Advocate Sr.14433
+1cc to Mr.A.Rajendiran, Advocate Sr.14002

W.P.No.5340/2017

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srg 17/03/2017