

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.6414 of 2017

1. Umadevi
W/o P.Govindarajan
 2. G.Ranjanadevi
D/o P.Govindarajan
 3. G.Santhoshkumar
S/o P.Govindarajan ... Petitioners
- vs-
1. The Managing Director
Tamil Nadu State Transport
Corporation Limited (Salem)
12, Ramakrishna Road
Salem
 2. The Administrator
Tamil Nadu State Transport
Corporation Limited (Salem)
Employees Post Welfare Fund Scheme
Pallavan Salai
Chennai 600 002 ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to disburse the payments relating to Provident Fund and Family Welfare Fund, Gratuity, Pension Commutation, ERBS Pension arrears, surrender leave salary i.e., earned leave balance as on 20.7.2015, balance dearness allowance, surrender medical leave upto 1.9.1998 which was already surrendered, Social welfare fund, salary arrears, settlement arrears, leave encashment, IRD amount and other monetary benefits relating to the deceased P.Govindarajan to the petitioners by calculating D.A.eligible as per newly implemented scheme, with interest at 12% per annum with effect from 21.7.2015 within a stipulated time as may be fixed by this Hon'ble Court.

For Petitioners:: Mr.I.C.Vasudevan

For Respondents:: Mr.R.K.Gandhi for R1

ORDER

The first petitioner's husband, late P.Govindarajan, while serving as Tradesman in the respondent Corporation from 3.11.81, died on 20.7.2015, leaving behind the petitioners as his legal heirs to succeed to his estate. At the time of his death, he was drawing a basic pay of Rs.10,430/- + Grade pay of Rs.2,000/-, Dearness Allowance of Rs.14,046/-, H.R.A.of Rs.760/- and others, totalling to a sum of Rs.27,842/- per month. However, after the death of the first petitioner's husband, the respondents have not settled the terminal benefits, namely, Provident Fund, Family Welfare Fund, Gratuity, Pension Commutation, ERBS Pension arrears, surrender leave salary i.e., earned leave balance as on 20.7.2015, balance dearness allowance, surrender medical leave upto 1.9.1998 which was already surrendered, Social welfare fund, salary arrears, settlement arrears, leave encashment, IRD amount and other monetary benefits. Therefore, the first petitioner, who is already suffering from financial crunch due to the death of her husband, has given a representation on 4.2.2017 along with the death certificate of her husband, legalheirship certificate including the pay bill for the month of April, 2015 requesting the respondents to disburse all the terminal/service benefits. But there is no response. Hence the petitioners have been advised to approach this Court seeking for the relief as mentioned above.

2. Mr.R.K.Gandhi, learned standing counsel, taking notice on behalf of the first respondent, sought four weeks time to consider the petitioner's representation.

3. Since the first petitioner's husband died on 20.7.2015, while serving as Tradesman in the respondent Corporation, leaving behind all the petitioners to succeed to his estate, the representation seeking early disbursement of the retiral/service benefits of the deceased employee shall be immediately attended to. Therefore, in the light of the Hon'ble Division Bench judgment in W.A.(MD) Nos.383 to 457 of 2015 dated 12.6.2015 (K.Rajendran and others v. The Tamil Nadu State Transport Corporation (Madurai) Limited represented by its Managing Director, Madurai and others), this writ petition is disposed of with a direction to the respondents to settle the entire retirement benefits due and payable to the first petitioner's husband through twelve equal monthly instalments carrying interest of 6% p.a., by considering her representation. The instalments should commence from June, 2017 and each of the instalments should be paid on or before 7th of each month. In case of any delay in the payment of the instalments, the

interest payable would become 18% p.a. for the delayed period apart from any other remedy which may be available to the petitioners for such non-payment of the instalments. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director
Tamil Nadu State Transport
Corporation Limited (Salem)
12, Ramakrishna Road
Salem
2. The Administrator
Tamil Nadu State Transport
Corporation Limited (Salem)
Employees Post Welfare Fund Scheme
Pallavan Salai
Chennai 600 002

+1cc to Mr.R.K. Gandhi, Advocate, S.R.No.16932
+1cc to Mr.I.C. Vasudevan, Advocate, S.R.No.16603

BR(CO)
EU 6.4.17

सत्यमेव जयते

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