



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.15894 of 2017

T.Latha

... Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation,
Madurai Division,
Bye Pass Road,
Madurai.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent herein to disburse the terminal benefits of petitioner's deceased husband namely balance of Gratuity, balance of Provident Fund, Salary arrears, Earned Leave, Bonus payment arrears, pension and other payments including interest thereon on the basis of her representation dated 31.07.2017 within the time stipulated by this Court.

For Petitioner

: Mr.A.R.Kannappan

For Respondent

: Mr.A.P.Muthupandian

Standing Counsel for TNSTC

O R D E R

By consent of both sides, the writ petition itself is taken up for final disposal.

2.The petitioner is the wife of late S.Thiruvengadam, who was initially employed as Driver in Pandian Transport Corporation, Madurai on 13.02.1985. After the formation of the Tamil Nadu State Road Transport Corporation by the Government, her husband was transferred to the said Corporation. However, since the petitioner's husband met with an accident, a Criminal Case was registered against him in C.C.No.65 of 2003. Since, the petitioner's husband again met with a fatal accident on 28.02.2010, he was facing another Criminal Case in C.C.No.160 of 2010.



3.The learned counsel appearing for the petitioner would submit that both the criminal cases were decided in favour of the petitioner's husband on 11.11.2005 and 18.10.2010, respectively. But, he was removed from service prior to the order of acquittal passed by the Trial Court. Therefore, on 06.07.2010, the petitioner's husband raised the dispute in I.D.No.66 of 2012, on the file of the learned Presiding Officer, Labour Court, Madurai, challenging the dismissal order. After elaborate trial, the Labour Court passed an award on 30.06.2014, by setting aside the dismissal order.

4.Unfortunately, the petitioner's husband died on 26.12.2015, leaving behind the petitioner, his mother and his only son Sathish Kumar. Based on the order passed in I.D.No.66 of 2012 dated 30.06.2014, and enclosing the orders of acquittal passed in the aforementioned two criminal cases, the petitioner submitted a representation dated 31.07.2017, to the respondents to disburse the retirement benefits to the petitioner as she is the legal heir. Since the said representation is still pending, the petitioner has come to this Court with the present writ petition.

5.Mr.A.P.Muthupandian, learned Standing Counsel for the Transport Corporation, took notice for the respondent and sought sufficient time to consider the petitioner's pending representation dated 31.07.2017.

6.Recording the statement made by the learned standing counsel appearing for the respondent, the respondent is hereby directed to consider the pending representation of the petitioner on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order.

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

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To
The Managing Director,
Tamil Nadu State Transport Corporation,
Madurai Division, Bye Pass Road, Madurai.
+One cc to Mr.A.R.Kannappan, Advocate, SR.No.74170

Mrn/MR

RL/3C/2P/JC/SAR1/20/9/2017

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