



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.6279 of 2017

WEB COPY

R.Chandra

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Kumbakonam Ration, Kumbakobam

3.The Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Rep. by its Administrator,
Thiruvalluvar House,
Pallavan Salai,
Chennai-2

... Respondents

Prayer:Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the Respondents to pay all the death cum terminal benefits of the petitioner's husband Late S.Ramesh Kumar payable to her including Gratuity, Earned leave salary, social Security amount, Post Retirement Benefit Scheme amount, Refund of Institute of Road Transport contribution amount and family pension arrears from 01.12.2015 to till date together with interest at the rate of 18% per annum from the date of his death to till the date of actual payment to her within the time that may be stipulated by this Court.

For Petitioner : Mr.A.Rahul

For R1 & R2 : Mr.D.Sivaraman
Standing Counsel for TNSTC

For R3 : Mr.A.P.Muthupandian
Standing Counsel for TNSTC

ORDER

The petitioner's Husband was employed as Helper in the respondents Corporation and passed away while in service on 30.11.2015.

2.The petitioner is the widow of the deceased namely S.Ramesh Kumar, who was in service in the respondents corporation from 01.11.1983 since the petitioner's husband passed away while in service on 30.11.2015, the petitioner being the wife of the deceased seeks terminal benefits of her husband and also family pension with arrears etc.

3.The learned standing counsel appearing for the respondents, on instructions, has no objection with regard to the entitlement of the petitioner as legal heir of the deceased. However, he submitted that the petitioner has to produce "No Objection Certificate" from the other legal heirs for disbursement. On production of the "No Objection Certificate" in the prescribed format, the respondents are directed to disburse the terminal benefits in 12 equal monthly installments commencing from 10.06.2017. The respondents are directed to disburse family pension arrears from 01.12.2015 till date in three equal installments commencing from 10th June of 2017. The petitioner is also entitled to interest at 6% per annum for the delayed payment.

4.In these circumstances, this writ petition is also disposed of with the further directions:-

i)A direction is issued to the transport corporation to settle the terminal benefits of the petitioner that are yet to be settled, in twelve equal monthly installments;

ii)The first installment shall commence by making payment on or before 10th of June 2017 and the amount in each of the remaining installments shall be paid on or before 10th of every succeeding month;

iii) The said terminal amount shall carry interest @ 6% per annum, as per the Division Bench judgment referred to above. In case of delay in making installments, the interest payable could be 18% for the delayed period;

iv) The aforesaid direction to settle the terminal benefits would not preclude the workman to question the computation of any of the terminal benefits, if the same is paid lesser than the amount to which, he is entitled to receive. Likewise, if the petitioner has any grievance that he is entitled to interest for the amount already settled, he can agitate the same as per law, if he is entitled. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/



To

1. The Managing Director,
The Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Kumbakonam.

2. The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Kumbakonam Region, Kumbakonam

3. The Administrator,
The Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai-2

+One cc to Mr.A.Rahul, Advocate, SR.No.51361

+One cc to Mr.D.Sivaraman, Advocate, SR.No.51060

TA/CP

RL/6C/3P/MR/2.5.2017

W.P. (MD) No.6279 of 2017

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