



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.18172 of 2016

Gandhimathi

.. Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Kumbakonam,
Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Thirumayam Road,
Pudukkottai.

3.A.Sundarambal

(R3 is suo-motu impleaded vide Court order dated 05.10.2016 in WP (MD) No.18172 of 2016 by SVJ)

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to settle the death benefits of the petitioner's husband to the petitioner at once with 18% interest per annum.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.D.Sivaraman for R1 and R2

O R D E R

This Writ petition has been filed to issue a Writ of Mandamus, directing the respondents to settle the death benefits of the petitioner's husband with 18% interest per annum.

2.The petitioner's husband, who was working as Driver in the respondents / Corporation, died on 29.01.2016 while he was in service. As the petitioner and her two daughters are the legal heir of the deceased Madhavan, she claimed death benefits of her husband from the respondent / Corporation. The petitioner also sent a representation to the 2nd respondent requesting to settle the death benefits. Since no action has been taken by the respondents / Corporation, the petitioner is before this Court with the aforesaid prayer.



3. When the matter came up for hearing on 05.10.2016, the learned counsel for the respondents 1 and 2 submitted that the mother of the said Madhavan has made a rival claim, enclosing a copy of the Will dated 16.11.2011 along with a representation. Hence, this Court *suo motu* impleaded the mother viz., A.Subdarambal as third respondent in this case and referred the matter to Mediation and Conciliation Centre for settlement.

4. The learned counsel for the petitioner submitted that dispute between the petitioner and the 3rd respondent is settled amicably before the Mediation and Conciliation Centre and a mediation report along with settlement agreement to that effect are produced before this Court. Hence, this Writ petition may be disposed of in terms of the mediation agreement dated 07.02.2017.

5. As per the settlement entered into between the petitioner, the 2nd respondent and also the 3rd respondent / Corporation, the petitioner agreed to receive a sum of Rs.4,48,604/- and the third respondent agreed to receive a sum of Rs.1,80,000/-. As the 2nd respondent / Corporation has also appeared before the mediation, the 2nd respondent is bound to comply with the terms of mediation.

6. Accordingly, this Court is inclined to direct the respondents 1 and 2 to pay the death benefits to the petitioner and the third respondent in terms of the settlement entered into between the parties before mediation. The death benefits shall be paid to the petitioner and also to the 3rd respondent in 12 monthly installments.

7. The First Bench of this Court in similar matter has passed an order dated 12.06.2015 in W.A(MD)Nos.383 to 457 of 2015, issuing direction to the transport corporations to settle the terminal benefits of its employees in 12 equal monthly installments and to pay 6% interest on the terminal benefits payable to the workman. The Bench has also held that workman is entitled to 18% interest for the defaulted period of installments.

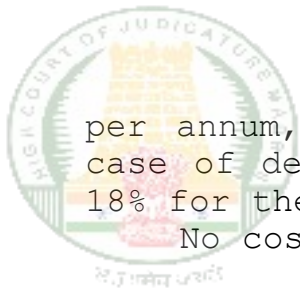
8. The learned standing counsel for the respondents / Corporation has no objection to pass such orders following the order of the Hon'ble First Bench of this Court as stated above.

9. In these circumstances, this Writ petition is disposed of with the following directions:-

i) A direction is issued to the respondents 1 and 2 to settle the death benefits of the petitioner and the 3rd respondent 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 August 2017 and the amount in each of the remaining installments shall be paid on or before 10th of every succeeding

month;
iii) The said death benefits amount shall carry interest @ 6%



per annum, as per the First Bench judgment referred to above. In case of delay in making installments, the interest payable will be 18% for the delayed period;
No costs.

WEB COPY

/True Copy/

Sd/-
Assistant Registrar(CO)

Sub Assistant Registrar

To

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Kumbakonam,
Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Thirumayam Road,
Pudukkottai.

+1cc to Mr.D.Sivaraman Advocate in SR. No.59512

GNS/SMI
JS/KP/SAR.1/10.07.2017/3P-4C

W.P. (MD) .No.18172 of 2016
08.06.2017