THE HON'BLE SRI JUSTICE P. NAVEEN RAO

W.P. NO. 45766 OF 2016

ORDER:

Heard learned counsel for the parties.

Husband of the petitioner died on 22.12.1998 and consequent upon his death, the petitioner is entitled to payment of gratuity amount. The grievance of the petitioner in this writ petition is that even after lapse of 18 years, the said amount is not paid to her.

The stand of the respondent No.2 in the counter-affidavit is that due to paucity of funds, the premium payable to the Life Insurance Corporation under the group gratuity scheme was not remitted, therefore the scheme got lapsed and thus no amounts were paid to the legal heirs of deceased employees. The Government also informed that the provisions of A.P. Revised Pension Rules, 1980 are not applicable to SETWIN employees and the proposal for sanction of group gratuity was not accepted.

Similar issue was decided by this Court ion W.P.No. 14733 of 2016 on 14.7.2016 and the second respondent therein was directed to pay the gratuity amount due to the petitioner consequent to the death of her husband along with interest @ 6% P.A. from the date when it was due till the date of payment.

In the instant case, there is no dispute regarding the status of the husband of the petitioner as employee of the second respondent and the validity of the claim of the petitioner. Due to the lapses on the part of the employer, the employees cannot be made to suffer. It is unfortunate that though the husband of the petitioner died in 1998, the claim for gratuity remains unsettled for such a long period.

In view of the earlier order of this Court in W.P.No. 14733 of 2016, this writ petition is disposed of directing the second respondent to pay the gratuity amount due to the petitioner from the date of death of her husband within a period of three months together with interest @ 6% P.A. from the date when it was due till the date of payment. If the amount is not paid by the second respondent within the above stipulated period of three months, the petitioner is entitled to additional interest of 2% P.A. for the delayed payment till the date of payment.

Miscellaneous applications, if any, shall stand closed. No order as to costs.

P. NAVEEN RAO, J

Dt.19.1.2016
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