

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2018

CORAM :

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P.No.20858 of 2018

M.Mohana

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. By its Secretary,
Food & Co-operation Department,
Fort St. George, Chennai - 9.
2. Kancheepuram Central Co-op. Bank Ltd.,
Rep. By its Managing Director,
No.15-G, Sekkuppetai North Street,
PBM-9, Kancheepuram - 631 501.
3. The Branch Manager,
Kancheepuram Cnetral Co-op. Bank Ltd.,
Kundrathur Branch,
Kancheepuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of writ of mandamus, to direct the respondents to disburse the retirement benefits and all other attendant benefits, more fully set out in the petitioner's representation dated 27.06.2018, arising out of death of her husband (late) E.Munusamy, former Asst. Kancheepuram Central Co-operative Bank Ltd., who was permitted to retire from service on 30.11.2007 vide proceedings of the 2nd respondent in Na.Ka.7608/71-72/Pani3, along with interest at 10% per annum from the date of its due, till its payment in full, within a time frame to be fixed by this Court.

For Petitioner : Mr.R.Veeramani

For Respondents: Mr.L.P.Shanmuga Sundaram,
Additional Govt. Pleader

ORDER

This writ petition has been filed by the petitioner, seeking a direction to the respondents to disburse the retirement benefits and all other attendant benefits of her husband.

2. According to the petitioner, her husband Munusamy was appointed as Junior Assistant on 01.02.1972 in the Kancheepuram Central Co-operative Bank Ltd. (respondent) and on 18.09.1986, he was terminated from service, which was challenged by her husband in I.D.No.46 of 1986 before the II Additional Labour Court, Chennai, where, the Labour Court had directed the respondent Bank to reinstate the workman in service along with full back wages from 19.09.1986 and the said award was challenged by the respondent Bank by way of filing a writ petition in W.P.No.5165 of 1994 before this Court.

2.1. This Court, by order dated 17.01.2002, dismissed the writ petition. The respondent Bank also allowed the petitioner's husband to the work without prejudice to the writ proceedings. The petitioner's husband was permitted to retire from service on 30.11.2007 without prejudice to the charge memo stated to have been issued by the respondent Bank.

3. According to the petitioner, there is no enquiry with regard to the charge memo issued by the respondent. During the interregnum period, her husband died on 31.05.2015 and hence, it is needless to point out that after the death of her husband, the proceedings should have to come an end as abated and the respondents should have given all retirement and other benefits due to the petitioner's husband to his legal representatives. But the respondents have not paid the retirement benefits till date.

4. In this regard, the petitioner, enclosing the legal heir certificate, made several representations before the respondent Bank, on 25.06.2015 (i.e. first representation), on 06.11.2015 (i.e. second representation), on 02.06.2017 (i.e. 3rd representation), and on 27.06.2018 (i.e. 4th representation), seeking disbursement of all retirement and other benefits due on account of the death of her husband.

4.1. Despite several representations, the respondent Bank is not acting on the representations given by the petitioner. Hence, the petitioner has filed this writ petition.

5. Considering the factual matrix in this case and having regard to limited scope of the prayer sought for, this Court is of the considered view that without going into the merits of the issue it would be suffice to direct the respondents to consider the representation submitted by the petitioner and to pass orders within a stipulated time.

6. Accordingly, without going into the merits of the issue, this Court directs the second respondent to consider the representations referred supra, made by the petitioner and to pass orders thereon, on merits and in accordance with law,

within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

ogy

To

1. The Secretary,
Food & Co-operation Department,
Fort St. George, Chennai - 9.
 2. Kancheepuram Central Co-op. Bank Ltd.,
Rep. By its Managing Director,
No.15-G, Sekkuppettai North Street,
PBM-9, Kancheepuram - 631 501.
 3. The Branch Manager,
Kancheepuram Cnetral Co-op. Bank Ltd.,
Kundrathur Branch, Kancheepuram District.
- +1 CC to Govt. Pleader sr 56056
+1 CC to Mr.L.P. Shanmuga Sundaram, Advocate sr 55818.
+1 CC to Mr.R. Veeramani, Advocate sr 55580.

सत्यमेव जयते

W.P.No.20858 of 2018

SP(04/09/2018)

WEB COPY