



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2018

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P.(MD)No.8164 of 2018

P.Victoria Hebzi Kasthuri Bai

: Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Kattaboman Nagar,
Tirunelveli - 627 011.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to pay petitioner's deceased husband's retirement benefits such as Provident Fund and Gratuity along with 18% interest to the petitioner.

For Petitioner : Mr.C.Thangamani
For Respondent : Mr.K.Sathya Singh
Standing Counsel

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents to pay petitioner's deceased husband's retirement benefits such as Provident Fund and Gratuity along with 18% interest to the petitioner.

3.Heard Mr.C.Thangamani, learned Counsel appearing for the petitioner and Mr.K.Sathya Singh, learned Standing Counsel appearing for the respondent.

4.The grievance of the petitioner is that though the petitioner's husband who was working as an employee of the respondent corporation, died on 27.02.2017, his retirement benefits are yet to be disbursed by the respondent Corporation. The petitioner has given a representation to the respondent on 05.02.2018.



5.Mr.K.Sathya Singh, learned Standing Counsel appearing for the respondent Corporation, stated that like the petitioner's husband, so many retired employees had been waiting for getting retirement benefits and in a phased manner, the retirement benefits are being disbursed to them. The learned Standing Counsel would further submit that in a number of cases of similar nature, directions are issued by this Court after hearing both sides that such retirement benefits shall be paid to the employee concerned on installment basis of twelve monthly installments.

6.The learned Standing Counsel appearing for the respondent would submit that in fact, the issue is covered by a number of decisions and he has produced a copy of the order made in W.P.(MD) No.12153 of 2016 dated 12.07.2016, wherein the following orders have been passed.

"4.Following the judgment of the Hon'ble Division Bench of this Court referred to above, the respondents are directed to pay the amount due to the petitioner in 12 equal monthly installments commencing from 1st September, 2016. Further, if there are settlements or awards, the Corporation is obliged to take the same into account while arriving at the figure. It is needless to mention that the entire arrears shall carry interest at the rate of 6% per annum. In case of delay in making installments, the interest payable would be 18% for the delayed period.

5.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 to."

7.The learned Standing Counsel would submit that similar orders can be passed in this writ petition also.

8.I have heard the learned Counsel on both sides and perused the materials placed as well as the judgment produced by the learned Standing Counsel.

9.As has been pointed out by the learned Standing Counsel, the issue raised in this writ petition is covered by a number of decisions of this Court, following a Division Bench judgment in W.A.(MD)Nos.383 to 457 of 2015, and the order of the learned Judge



as cited above, has been passed in number of such cases. Following the same, this writ petition is also disposed of with the following direction.

9.1. The respondent Corporation shall disburse the retirement benefits of the petitioner's husband in twelve monthly installments commencing from 1st June, 2018 and it shall be disbursed within a stipulated period of twelve months and if even one single installment the respondent fail to comply with, that amount shall carry an interest at 6% p.a. and the same shall also be paid to the petitioner.

10. With the above direction, the writ petition stands disposed of. However, in the facts and circumstances of the case, there shall be no order as to costs.

Sd/
Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To
The Managing Director,
Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Kattaboman Nagar,
Tirunelveli - 627 011.

+1cc to Mr.K.SATHIYA SINGH, Advocate, SR.No.61512
+1cc to Mr.C.THANGAMANI, Advocate, SR.No. 61586

W.P. (MD) No.8164 of 2018

16.04.2018

MR
KK/RSK/15.05.2018/SAR-1/3P-4C