

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2019

CORAM:

THE HONOURABLE DR..JUSTICE S.VIMALA

WP.No.34571 of 2018

S.Mani Mala

Petitioner

Vs

- 1.The Government of Tamil Nadu by its
Principal Secretary, Transport Department
Fort St.George, Chennai-9
 - 2.The Metropolitan Transport Corporation Chennai Limited
Pallavan House, Anna Salai, Chennai-2
 - 3.The Administrator, Tamil Nadu State Transport
Corporation Pension Fund Trust
Chennai-2
- Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the Respondents to pay the death benefits and retirement benefits, i.e. gratuity, encashment of leave salary, DA arrears, pension commutation, settlement arrears, social welfare scheme, subscription amount of Engineering and Medical College, PF arrears of pension, DA arrears and other eligible death cum terminal benefits, with interest at the rate of 18% p.a on delayed payment to the Petitioner from 15.10.2015, the date of death to till the date of settlement of the above said benefits to the Petitioner.

For Petitioner : Mr.R.Jaikumar

For Respondents : Mr.R.S.Selvam, GA-R1
Mrs.Rajeni Ramadoss,
Standing Counsel-RR2 and 3

ORDER

By consent of the learned counsel on either side, this Writ Petition is taken up for final disposal, at the admission stage itself. Mr.R.S.Selvam, learned Government Advocate takes notice for the 1st Respondent and Mrs.Rajeni Ramadoss, the learned standing counsel takes notice for the Respondents 2 and 3.

2. This court heard the learned counsel on either side and also perused the materials placed on record.

3. The prayer in this Writ Petition is to direct the Respondents to pay the death benefits and retirement benefits, i.e. gratuity, encashment of leave salary, DA arrears, pension commutation, settlement arrears, social welfare scheme, subscription amount of Engineering and Medical College, PF arrears of pension, DA arrears and other eligible death cum terminal benefits, with interest at the rate of 18% p.a on delayed payment to the Petitioner from 15.10.2015, the date of death to till the date of settlement of the above said benefits to the Petitioner.

4. The case of the Petitioner is that the husband of the Petitioner was working as a Sweeper Cum Server from 15.10.1990. In November 2012, he was affected by brain tumour and blood pressure and hence, he had made an application, seeking alternate employment and by the order of this Court, he was also permitted to do alternative work. He died on 15.10.2015. The terminal benefits were not paid to his family for the past three years. Praying for the same, the Petitioner had submitted several representations and one of such representations is dated 07.04.2017. Since the said representation is not considered so far, this Writ Petition has been filed, seeking the relief as stated above.

5. Though the prayer sought for in this Writ Petition is for a larger relief, having regard to the facts and circumstances of the case, it is suffice to direct the Respondents to dispose of the said representation of the Petitioner, within a time frame. Accordingly, without going into the merits of the case, the Respondents are directed to consider the representation of the Petitioner, dated 07.04.2017 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

Srcm

To

1.The Principal Secretary,
The Government of Tamil Nadu by its
Transport Department
Fort St.George, Chennai-9

2.The Metropolitan Transport Corporation Chennai Limited
Pallavan House, Anna Salai, Chennai-2

3.The Administrator, Tamil Nadu State Transport
Corporation Pension Fund Trust
Chennai-2

+1cc to Mr.S.Rajeniramadass, Advocate SR.No.1853

+1cc to M/s.T.Fennewalter Associates, Advocate SR.No.1947

+1cc to Government Pleader SR.No.1882

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KJI (CO)
GMY (06/02/2019)



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