



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.07.2020

CORAM :

THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

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W.P(MD).No.6933 of 2020

and

W.M.P(MD) Nos.6359, 6361 and 6363 of 2020

N.Nagajothi

... Petitioner

Vs.

1.The President,

MM 3144 Medical Department Employees  
Co-operative Thrift and Credit Society,  
142, North Veli Street,  
Near Yanaikkal,  
Madurai-625 001.

2.The Dean

Government Rajaji Hospital,  
Madurai-625 020.

3.M.Hansworth Julius Rajkumar

Member No.3927,  
Assistant,  
Government Rajaj Hospital,  
Madurai-625 0202.

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of first respondent's Impugned Communication dated 29.01.2020 and quash the same as devoid of merit and direct the second respondent to pay the entire service benefits of the deceased employee, Nageshwaran-Male Nurse Assistant, worked under the second respondent's Hospital, by settling the loan account of first respondent availed by the deceased employee, Nageshwaran-Male Nurse Assistant, in MT Loan Account No.23885, with Insurance Scheme, consequentially directing first respondent to pay Thrift Abstract amount of Rs.91,274/- and share Abstract amount of Rs.70,000/- with appropriate interest, by considering petitioner's representation dated 11.06.2020 and for such other reliefs within the period as stipulated by this Court.

|                |                      |
|----------------|----------------------|
| For Petitioner | : Mr.A.Haja Mohideen |
| For R-1        | : Mr.T.Lajapathi Roy |
| For R-2        | : Mr.M.Rajarajan     |
| For R-3        | : Mr.Ashwin          |



**ORDER**

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent Nos. 1, 2 and 3.

2.The petitioner's husband Nageshwaran was employed in the second respondent Hospital as Male Nurse Assistant. He passed away on 16.12.2019. The petitioner and her two daughters are the surviving legal heirs. The petitioner applied to the second respondent for disbursement of all the terminal benefits. But, the application given by the petitioner could not be processed on account of the liabilities of the deceased employee with the first respondent society. The petitioner's husband had availed loan from the first respondent society. He had also stood as a guarantor for the loan availed by the third respondent from the first respondent society.

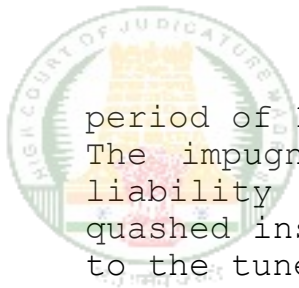
3.The petitioner's counsel would point out that the third respondent is also a Government employee and that he is having some 13 more years of service. It is true that the liability of the guarantor will not cease with his death and it will bind the legal heirs also. But, if the interest of the first respondent could be otherwise protected, the petitioner can be relieved of the said liability incurred by her husband as a surety.

4.The third respondent had entered appearance through counsel and the learned counsel fairly informed to the Court that the third respondent had already given an affidavit of undertaking for clearing his liability in 55 installments. The second respondent as the employer is strictly mandated to ensure that the liability of the third respondent to the first respondent is cleared in terms of the said undertaking.

5.The learned counsel appearing for the first respondent submitted that since the liability of the third respondent to the first respondent would be discharged in terms of the undertaking now given by the third respondent and since the employer, namely the second respondent has also been directed to ensure its strictest compliance, the first respondent is willing to abide by any directions that may be issued by this Court.

6.The second respondent is directed to process the petitioner's application for disbursement of the terminal benefits arising on account of the demise of her husband Nageshwaran by settling Nageswaran's liability to the first respondent society on account of his loan alone. In other words, the guarantee executed by Nageshwaran for the loan incurred by the third respondent will not act as impediment for settling the claims of the petitioner herein.

7.The petitioner states that she is having two daughters to support. Therefore, the second respondent is directed to settle all the benefits payable to the petitioner within a



period of 12 weeks from the date of receipt of a copy of this order. The impugned order is sustained only to the extent of the loan liability of Nageshwaran to the tune of Rs.2,87,000/- and it is quashed insofar as it relates to the guarantor's liability, which is to the tune of Rs.5,44,135/-.

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8.The Writ Petition is partly allowed. No cost. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

**To**

The Dean,  
Government Rajaji Hospital,  
Madurai - 625 020

**Note:**In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

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10.07.2020

KK (13.07.2020) 3P 2C