



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.10.2020**

CORAM

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) No.7919 of 2020

and

W.M.P. (MD) No.7389 of 2020

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Vilvanayagathammal

...Petitioner

Vs

- 1.The General Manager,
Employees Provident Fund,
Bhavishya Nidhi Bhawan,
No.37, Royapeteh High Road,
Azad Nagar,
Royapettah,
Chennai, Tamilnadu 600 014.
- 2.The Human Resource Manager,
DXC Technology,
No.39/40, Electronic City Phase-I,
Bangalore 560 100.
- 3.The Human Resource Manager,
DXC Technology India (P) Ltd.,
Tril Info Park, D-Block,
Little Woods Tower,
Rajiv Gandhi Salai (OMR),
Taramani, Chennai 600 113.
- 4.S.Mangayarkarasi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to provide the employee provident fund, gratuity, death claim and other monetary benefits, which is payable to the petitioner's deceased son M.Sakthi Esakkiappan, to the petitioner and the 4th respondent equally.

For Petitioner : Mr.Niranjana S.Kumar
For R1 : Mr.V.S.Venkateswaran
For R4 : Mr.G.Sridharan

ORDER

This Writ Petition is filed to direct the respondents 1 to 3 to provide employee provident fund, gratuity, death claim and other monetary benefits, which is payable to the petitioner's deceased son



M.Sakthi Esakkiappan, to the petitioner and the 4th respondent equally.

2. When the matter is taken up for hearing today through video conferencing, the learned counsel appearing for the petitioner has produced a copy of the compromise memo dated 28.09.2020, before this Court and would submit that with regard to the issues involved in the present writ petition, compromise was arrived at between the petitioner and the 4th respondent on the following terms:-

a) In the amounts due from the third respondent company both the writ petitioner and fourth respondent are entitled to 50% each.

b) Likewise in the insurance amount due from the Life Insurance Corporation of India with regard to 13 LIC policies vide policy numbers vis-a-vis

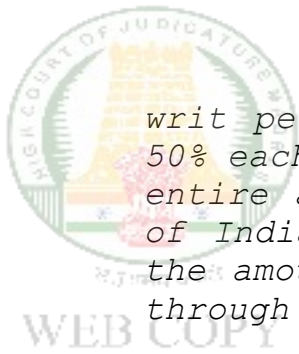
1) 323715404, 2) 324195571, 3) 324195814, 4) 324197029, 5) 324198763, 6) 324199802, 7) 324201616, 8) 324205584, 9) 324205585, 10) 324556116, 11) 324556609, 12) 324557422 and 13) 324569349

in the name of deceased Sakthi Esakkiappan, both writ petitioner and fourth respondent are entitled to 50% each and in continuation of the same, the fourth respondent undertakes to withdraw the suit filed in respect of 13 LIC policies in O.S.No.280 of 2019 on the file of the Additional District Munsif Court, Tuticorin. Further, the Zonal Officer, LIC, Tirunelveli, may be directed to disburse the amounts due on the above said 13 policies to the writ petitioner and the 4th respondent equally.

c) In the amounts due from the first respondent's Employees Provident Fund both the writ petitioner and fourth respondent are entitled to 50% each and the first respondent may be directed to disburse the amounts to the writ petitioner and the fourth respondent.

d) In the amounts from the State Bank of India PMJJBY Insurance vide Policy No.70001000434, both the writ petitioner and fourth respondent are entitled to 50% each. In which, the 4th respondent had already received the entire amount to the tune of Rs.2,00,000/- from the State Bank of India. Hence, the 4th respondent agreed to pay the 50% of the amount to the tune of Rs.1,00,000/- to the writ petitioner through a demand draft.

e) In the amounts from State Bank of India Savings Account No.30109694684 with SME Branch, Tuticorin both the



writ petitioner and fourth respondent is entitled to receive 50% each. In which, the 4th respondent had already received the entire amount to the tune of Rs.13,548/- from the State Bank of India. Hence, the 4th respondent agreed to pay the 50% of the amount to the tune of Rs.6,774,- to the writ petitioner through a demand draft.

f) It is submitted that there are no further claim against writ petitioner and fourth respondent and in case of emergence of any new monetary benefit both of them are agreed to share equally.

3.In terms of the compromise memo dated 28.09.2020 produced before this Court, this Court is of the view that there is no legal impediment for the respondents 1 to 3 to provide the terminal benefits of the petitioner's deceased son M.Sakthi Esakkiappan, to the petitioner and the 4th respondent equally and accordingly, this Court directs the respondents 1 to 3 to provide the terminal benefits of the petitioner's deceased son M.Sakthi Esakkiappan, to the petitioner and the 4th respondent as prayed for by them.

4.At this juncture, the learned counsel appearing for the petitioner prays before this Court that necessary direction may be issued to the Zonal Officer, LIC, Tirunelveli, who is not a party in this writ petition, to disburse the amounts due on the aforesaid 13 policies to the petitioner and the 4th respondent equally.

5.In the light of the above, this Court directs both the petitioner as well as the 4th respondent to approach the Zonal Officer, LIC, Tirunelveli along with the compromise memo dated 28.09.2020 to workout their remedy, since the Zonal Officer, LIC, Tirunelveli is not a party in this writ petition.

6.With the above terms, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

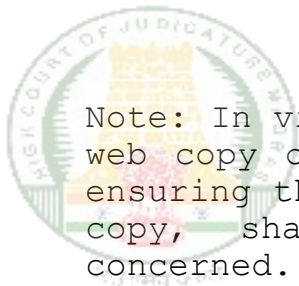
Assistant Registrar (Crl.Side)

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Sub Assistant Registrar(CS)

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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.

WEB COPY

To

- 1.The Zonal Officer,
LIC,
Tirunelveli.
- 2.The General Manager,
Employees Provident Fund,
Bhavishya Nidhi Bhawan,
No.37, Royapeteh High Road,
Azad Nagar,
Royapettah,
Chennai-600 014.

+2 CC to M/s.G. SRIDHARAN, Advocate (SR-19645[F] dated 09/10/2020)

W.P.(MD) No.7919 of 2020

09.10.2020

SS (CO)

NR (02/11/2020) 4P : 5C