



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.[MD]No.16827 of 2020

WEB COPY

J.Vino

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Express Transport Corporation,
Pallavan Salai,
Chennai-2.

2.The General Manager,
Tamil Nadu State Express Transport Corporation,
Pallavan Salai,
Chennai-2.

3.The Branch Manager,
Tirunelveli Branch,
Tamil Nadu State Express Transport Corporation,
Vannarpet,
Tirunelveli City.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the respondents to disburse the death and terminal benefits, family pension to the widow of deceased employee late Johnson Jeyakumar and commutation amount with arrears and interest and to continue to pay family pension to the petitioner mother by considering the representation submitted by the petitioner on 04.03.2020 within stipulated time.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.R.Rajamohan
Standing Counsel

ORDER

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

2.This Writ Petition has been filed by the petitioner to direct the respondents to disburse the death and terminal benefits, family pension to the widow of deceased employee late Johnson Jeyakumar and commutation amount with arrears and interest and to continue to pay family pension to his mother by considering his representation dated 04.03.2020.



3.It is the case of the petitioner that his father was dismissed from service by the respondents on the charge of unauthorized absence. The said dismissal order was challenged in W.P (MD) No.2718 of 2014 before this court in which this Court was pleased to set aside and directed to reinstate the petitioner's father with all benefits by an order dated 24.01.2020. When the petitioner's father was waiting for permission from the respondents to join duty, unfortunately he died in cardiac arrest on 22.02.2020. Therefore, the petitioner given a representation to the respondents for disbursement of terminal benefits on 04.03.2020 in favour of his mother. However, no action has been taken by the respondents till date. Hence, without any other options, the petitioner approaches this Court by way of writ petition.

4.The learned Standing Counsel appearing for the respondents would fairly submit that whether any writ appeal is pending before this Court against the order passed in W.P(MD) No.2718 of 2014 or not. However, the representation of the petitioner dated 04.03.2020 will be disposed of on merits and in accordance with law.

5.In view of the submissions made by the learned counsel appearing on either side, this Court directs the respondents to dispose of the petitioner's representation dated 04.03.2020 within a period of eight weeks from the date of receipt of a copy of this orders, on merits and in accordance with law and to disburse the terminal benefits within a period of eight weeks thereafter.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

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.



To:

1.The Managing Director,
Tamil Nadu State Express Transport Corporation,
Pallavan Salai,
Chennai-2.

2.The General Manager,
Tamil Nadu State Express Transport Corporation,
Pallavan Salai,
Chennai-2.

3.The Branch Manager,
Tirunelveli Branch,
Tamil Nadu State Express Transport Corporation,
Vannarpuram,
Tirunelveli City.

+1 CC to Mr.R.RAJA MOHAN, Advocate (SR-22821[F] dated 26/11/2020)

W.P.[MD]No.16827 of 2020
24.11.2020

VB (04.12.2020) 3P 5C