



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2020

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P. (MD)No.525 of 2015
and M.P. (MD)No.1 of 2015

WEB COPY

P.Alagumani

... Petitioner

Vs.

The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Dindigul Region,
Dindigul.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the respondent in his proceedings in Na.Ka.No.E1/3730/2005 dated 15.09.2014, quash the same as illegal and consequently directing the respondent herein to pay 18% interest on the amount payable to the petitioner on account of surrendering her deceased husband's unearned leave of 111 days and earned leave of 178 days.

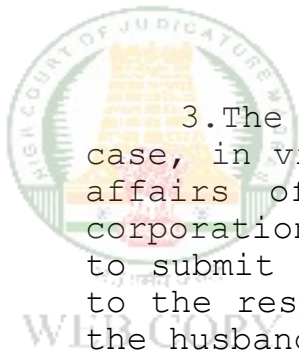
For Petitioner
For Respondent

: Mr.D.Srinivasaragavan
: Mr.P.Seetharaman

ORDER

The impugned order dated 15.09.2014 states that the husband of the writ petitioner is entitled for the benefit of the encashment of the unearned leave on private affairs and other benefits for earned leave. However, it is stated that the said benefits are adjusted in respect of the financial loss occurred to the respondent corporation.

2.The loss alleged to have been stated in the impugned order is that the husband of the writ petitioner has caused financial loss to the respondent corporation by approving excess amount than that of the amount to be deposited in the matter of civil supplies. These all are Administrative affairs, which all are to be adjudicated on merits. Whether the loss occurred on account of the act of the deceased husband of the writ petitioner or any other officials are also responsible for such financial loss are details regarding the loss are to be adjudicated. Unfortunately, the husband of the writ petitioner died on 18.06.2005 itself. The impugned order has been passed on 15.09.2014, at the time when the petitioner has requested the respondent corporation to settle the terminal benefits.



3.The writ petitioner may not be in a position to defend the case, in view of the fact that she is no way connected with official affairs of her husband when he was serving in the respondent corporation. One cannot expect the widow of the deceased employee to submit explanation with reference to the financial loss occurred to the respondent corporation. Admittedly, during the life time of the husband, no action was taken nor no show cause notice was issued to him. The impugned order itself has been passed after lapse of nine years from the date of death of the deceased employee.

4.This being the factum, this Court is of the considered opinion that the impugned order is perverse and the benefits to be paid to the writ petitioner cannot be denied. Accordingly, the impugned order passed by the respondent in Na.Ka.No.E1/3730/2005 dated 15.09.2014 is quashed and the respondent is directed to settle the entire terminal benefits due to the deceased husband of the writ petitioner along with the interest as per the Rules, within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar(CS)

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To

The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Dindigul Region, Dindigul.

+1 CC to Mr.D.SRINIVASARAGAVAN, Advocate SR-23789.

W.P. (MD) No.525 of 2015
02.12.2020

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