

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.11467 of 2014

1.S.Bagirathi (Deceased)

2.S.Aravindan

3.S.Amarnath

4.S.Sridevi

5.S.Sarojini

6.S.Meenatchi

...Petitioners

(P2 to P6 are substituted as LRS of deceased P1:S.Bagirathi as per Order dated: 21.07.2016 by B.R.,J. in WMP.No.15678 of 2016 in W.P.No.11467 of 2014)

Vs

1.Commissioner of Central Excise
Central Revenue Building,
Lal Bahadur Sastry Road,
Bibikulam,
Madurai - 625 002.

2. Central Board of Excise and Customs
Ministry of Finance,
North Block,
New Delhi.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to pay the Gratuity, EPF and Pensions together with Terminal and Service Benefits which are due and liable to be paid for petitioner's late husband, V.Subbaraju along with the Arrears of Salary, Monetary and Attendant Benefits for the period from 26.11.1991 to 31.01.1993 together with interest @ 24% per annum w.e.f. 26.11.1991 till date of payment and grant an order directing the respondents.

For Petitioner : Mr.C.Turibius Beski
For Respondents : M/s.Vikram Ramakrishnan

ORDER

The prayer made in this writ petition is to direct the respondents to pay all the terminal and service benefits due to the husband of the first petitioner viz., V.Subbaraju along with arrears of salary and other attendant benefits for the period from 26.11.1991 to 31.01.1993 together with interest.

2.Originally, this writ petition was filed by the first petitioner S.Bagirathi, who is the wife of the deceased V.Subbaraju. During the pendency of the same, she died and her legal heirs were substituted as the petitioners 2 to 6 as per the order of this Court dated 21.07.2016 in WMP.No.15678 of 2016.

3.It is the case of the petitioners that while the deceased V.Subbaraju was in service as Superintendent of Central Excise and Customs, in the year 1989, he was subjected to disciplinary proceedings based on the complaint lodged by the SSI Unit owners, alleging that they have paid Rs.2,000/- each for issuance of licence and monthly mamool of Rs.300/- for each factory to the Superintendent and two Inspectors. During the course of the said proceedings, he suffered with several ailments. The Enquiry Officer, without providing sufficient opportunities to the delinquent, filed an exparte report, based on which, the disciplinary authority passed an order dated 26.11.1991, removing him from service. Feeling aggrieved, the delinquent filed an appeal, which as per the information received through RTI, was rejected by the Appellate Authority, second respondent herein. The orders passed by the disciplinary authority and the appellate authority were challenged before the Court of law, which ultimately, ended in dismissal. While so, the delinquent died on 15.07.2010. Seeking terminal benefits and other benefits due to him, his wife viz., the first petitioner herein, made representation to the authorities, which yielded no response. Hence, the present writ petition came to be filed for the aforesaid relief.

4.The learned counsel for the petitioners submitted that the family of the deceased Subbaraju is struggling to lead a normal life, due to the financial instability and the petitioners have been dragged from pillar to post to get the terminal benefits and other benefits due to the deceased. Hence, the learned counsel sought the indulgence of this Court to consider the claim of the petitioners.

5. On the other hand, the learned counsel appearing for the respondents fairly submitted that in view of the fact that the original applicant is no more as of now, the petitioners 2 to 6 may be directed to submit a fresh representation to the respondent authorities, enclosing the relevant documents and in such event, the same would be considered by the respondent authorities on merits, within a time frame to be stipulated by this Court, which has been agreed by the learned counsel for the petitioners.

6. In view of the above, this Court directs the petitioners 2 to 6 to submit a fresh representation along with a copy of this order, enclosing the relevant documents, if any, to the respondents within a period of two weeks from the date of receipt of a copy of this order. On such submission, the respondents shall consider the same and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CCC)

//True copy//

Sub Assistant Registrar

msv

To

1. Commissioner of Central Excise
Central Revenue Building,
Lal Bahadur Sastry Road,
Bibikulam,
Madurai - 625 002.

2. Central Board of Excise and Customs
Ministry of Finance,
North Block,
New Delhi.

W.P.No.11467 of 2014

RSV(CO)
KKV/03/03/2021