



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.529 of 2022

K.Amsaveni

..Petitioner

vs.

1. Tamilnadu State Transport Corporation (Coimbatore) Ltd.,
Rep. By its Managing Director,
37, Mettupalayam Road,
Coimbatore -43.
 2. The General Manager,
Tamilnadu State Transport Corporation (Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore -43.
 3. Tamil Nadu State Transport Employees Pension Fund Trust,
Rep. By its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-600 002.
 4. The Deputy Manager,
(MCOP and Labour) Head Office,
Head Office,
Tamilnadu State Transport Corporation (Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore -43.
 5. The Assistant Manager (PF Section),
Head Office,
Tamilnadu State Transport Corporation (Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore -43.
- ..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the fifth respondent dated 20.02.2021 in Parvai.25181/PF4/TNSTC/Kovai/2021 and the order dated 11.11.2021 passed by the second respondent in Pa.No.L3/WP14008/2021/DM(L)/TNSTC (Ko)/2021 and communicated by the fourth respondent, quash the same and consequently,



direct the respondents to pay the petitioner a sum of Rs.6,20,000/- towards gratuity, a sum of Rs.2,50,000/- towards employer contribution of PF, a sum of Rs.3,00,000/- towards the death benefit payable under the Family Benefit Scheme, the amounts payable under the Social Security Scheme, the IRT contribution, the monthly family pension payable to the petitioner from 12.08.2020 with arrears, together with interest within a specified time.

For Petitioner : M/s.V.Porkodi
For Respondents : Mr.Sundaravadhanan,
Standing Counsel

O R D E R

The petitioner, challenging the impugned order, refusing to pay the terminal/death benefits of her deceased husband, has filed the present writ petition.

2. The case of the petitioner is that her husband Thiru K.Thiagaraj was employed as a Conductor in the first respondent Corporation on 03.09.1997 and he met with an accident, while on duty on 01.01.2012, due to which his leg was amputated and became disabled and unfit for the post of Conductor. Thereafter, he was given light work as alternative job in Mettupalayam Depot -I with effect from 25.10.2013. Due to health complications, the petitioner's husband died on 11.08.2020 in harness while he was in service, leaving behind the petitioner, daughter Divya and his father Kanagaraj as his legal heirs. The petitioner submitted a representation dated 28.10.2020 requesting the respondents to settle all the terminal and death benefits of her husband, followed by representations dated 24.11.2020 and 21.12.2020. The second respondent informed the petitioner that unless the case filed by petitioner's husband in E.C.No.92 of 2017 before the Employees Compensation Commissioner, Coimbatore, claiming compensation for the injury was withdrawn, the claim would not be settled. The respondents once again sent a reply dated 20.02.2021 to the petitioner informing that only after the disposal of E.C.No.92 of 2017, action would be initiated for settlement of terminal benefits. The petitioner earlier had also filed W.P.No.14008 of 2021 praying for a direction to the respondents to settle all the terminal benefits and this Court directed the respondents to consider the petitioner's representation dated 24.12.2020 and 04.01.2021 on merits and in accordance with law. However, the second respondent has passed the impugned order dated 11.11.2021 taking the very same stand and challenging the same, the petitioner has filed the present writ petition.



3. The learned counsel for the petitioner would submit that E.C.No.92 of 2017, which has been filed for claiming compensation for injury, has been dismissed for default and I.A.No.58 of 2017 has been filed for restoration of the same and it has nothing to do with the settlement of terminal benefits of the deceased and therefore, the authority may pass appropriate orders for settlement of terminal benefits of the deceased.

4. Heard Mr.Sundaravadhanan, learned Standing Counsel for the respondent / Transport Corporation.

5. A perusal of the impugned order passed by the second respondent dated 11.11.2021 would disclose that it has been passed on the reasoning that since I.A.No.58 of 2017 in E.C.No.92 of 2017 is pending, the petitioner is not entitled to claim terminal benefits. The said order is totally misconceived and unjustifiable for the reason that the case in E.C.No.92 of 2017 pertains to claim for compensation filed by the petitioner's husband for injury sustained by him in the accident occurred on 01.01.2012 and whereas the present claim of the petitioner is seeking for settlement of terminal benefits of her deceased husband. Therefore this Court has no hesitation to hold that the impugned order is totally unsustainable.

6. Hence, the impugned order passed by the fifth respondent dated 20.02.2021 in Parvai.25181/PF4/TNSTC/Kovai/2021 and the order dated 11.11.2021 passed by the second respondent in Pa.No.L3/WP14008/2021/DM(L)/TNSTC (Ko)/2021 and communicated by the fourth respondent are quashed. The respondents are directed to consider the claim of the petitioner for payment of terminal benefits of the deceased husband and pass appropriate orders on merits and in accordance with law, as expeditiously as possible, within a period of twelve weeks from the date of receipt of a copy of this order.

7. The Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jvm

1. The Managing Director,
Tamilnadu State Transport Corporation (Coimbatore) Ltd.,
37, Mettupalayam Road, Coimbatore -43.



2. The General Manager,
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37, Mettupalayam Road, Coimbatore -43.

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+lcc to Mr.A.Sundaravadhanan, Advocate SR. No.21971

+lcc to Mr.V.Ajoy Khose, Advocate SR. No.22034

W.P.No.529 of 2022

SKM (CO)
PR (18/04/2022)