



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.4766 of 2020

and

W.M.P.No. 5629 of 2020

R. Sundari

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Ltd.,
Vazhudhareddy,
Salamedu,
Villupuram.

2. The Administrator,
Tamil Nadu State Transport Corporation-
Employees Pension Fund Trust,
Pallavan Salai,
Chennai - 600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of mandamus directing the respondents to pay the terminal benefits, viz. Leave salary, Gratuity, Provident Fund and all other benefits to the petitioner till her lifetime and to consequently direct the respondents to pay the 18 % interest as entitled for the belated payment.

For Petitioner : No appearance
For Respondents : Mr. G. Saravana Kumar,
Standing Counsel

ORDER

The writ petition is filed for the issuance of a writ of mandamus directing the respondents to pay the terminal benefits, viz. Leave salary, Gratuity, Provident Fund and all other benefits to the petitioner till her lifetime and to consequently



direct the respondents to pay the 18 % interest as entitled for the belated payment.

2. The learned Standing Counsel appearing for the respondents would submit that the award has been passed by the Lok Adalat wherein the petitioner was a party. As per the award, the monetary benefits have been settled to petitioner's wife namely, Sathya and subsequently she died. Now the petitioner has made a representation that she is entitled for the said monetary benefits. So far, no orders have been passed by the said respondent corporation.

3. It is specifically stated in the affidavit that the petitioner's husband had died on 04.03.2009 leaving behind the petitioner as well as his second wife along with his children. It is also an admitted fact that District Legal Services Authority through mediation settled the matter between the parties on the following terms that the son Dineshkumar begotten by the second wife Satya shall avail the compassionate appointment and the same was recorded by the civil court.

4. The second wife of the petitioner's husband had filed a writ petition in W.P. 23316 of 2016 and the same was withdrawn on 12.10.2015 relinquishing her claim. Therefore, the petitioner had approached the authority concerned for payment of terminal benefits for the death of her husband. So far, no orders have been passed. Further submitted that the other legal heirs have no objection for payment of the said terminal benefits to the petitioner.

5. This court without taking into consideration the disputes involved in the writ petition, since the other legal heirs have no objection for payment of the said terminal benefits to the petitioner, is inclined to direct the respondent corporation to consider the claim of the petitioner in accordance with law after providing an opportunity to the interested parties concerned and to take decision as early as possible within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar



To

WEB COPY

1. The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Ltd.,
Vazhudhareddy,
Salamedu,
Villupuram.
2. The Administrator,
Tamil Nadu State Transport Corporation-
Employees Pension Fund Trust,
Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.R.Gokulakrishnan, Advocate SR.No.16752

W.P. No.4766 of 2020
and
W.M.P.No. 5629 of 2020

SKM(CO)
CB(05/04/2022)