



WEB COPY



W.P.No.31549 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31549 of 2016

and

W.M.P.No.27388 of 2016

1. Basile Mary Josephine(deceased)

2. S.Joseph Basile

... Petitioner

(P2 substituted as LR of deceased sole petitioner vide order dated 17.03.2022 made in WMP.23472/2017 in WP.31549/2016 by VPNJ)

-Vs-

1. The Managing Director,
M/s.Puducherry Agro Services &
Industries Corporation Ltd.,
Agricultural Complex, Thattanchavady,
Puduchery- 605 009.

2. The Chief Secretary Cum Chairman
M/s.Puducherry Agro Services &
Industries Corporation Ltd.,
Secretariat, Puducherry.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents to forthwith consider and settle all the terminal benefits including the salary for the period between July 2011 and 05th September, 2012, medical reimbursement of Rs.35,000/- which stood approved and PL



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Encashment, Payment of Gratuity, PEGSLI Benefits and Pro-Rata Pension if eligible.

For Petitioner : Mr.L.Chandrakumar
For Respondents :
For R1 : Mr.T.M.Naveen
For R2 : No Appearance

ORDER

A writ of Mandamus has been filed to direct the respondents to consider and settle all the terminal benefits including the arrears of salary for the period between July 2011 and 5th September, 2012, and medical reimburse amount of Rs.35,000/-, which stood approved and PL Encashment, Payment of Gratuity, etc. to the writ petitioner.

2. The original petitioner, Tmt.Basil Mary Josephine died on 13.11.2016 and subsequently the legal heir was impleaded.

3. The original petitioner was holding the post of Manager (Audit) in the second respondent Corporation. On account of her illness, she was not able to report for duty and consequently, she was removed from service. However, learned counsel for the respondent states that she had



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not attended duty, since she got admission for higher studies. However, the fact remains that the original petitioner was removed from service and thereafter, the terminal benefits, due to her, were settled by the respondents. However, the arrears of salary due to the original petitioner and also the medical reimbursement claim which was already sanctioned were not paid.

4. Learned counsel for the petitioner made a submission that during the pendency of the writ petition, the original petitioner died on 13.11.2016 and till today, the said dues are not settled.

5. Learned counsel for the respondents made a submission that the second respondent is facing a financial crisis and therefore, they require some more time to settle the arrears of salary and other benefits, if any due to the writ petitioner. The learned counsel for the respondent states that twelve weeks' time would be sufficient to settle the dues to the petitioner.

6. In view of the said submission, the respondents are directed to pay the arrears of salary of Rs.3,18,273/-, due to the writ petitioner,



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within a period of twelve weeks from the date of receipt of a copy of this order. In respect of the medical reimbursement claim, the respondents are directed to ascertain the eligibility and accordingly settle the same without causing any undue delay.

7. With these directions, the writ petition stands **disposed of**. There shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

08.11.2022

Index : Yes
Speaking order
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To

1. The Managing Director,
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Industries Corporation Ltd.,
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Puduchery- 605 009.
2. The Chief Secretary Cum Chairman
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S.M.SUBRAMANIAM.J.,

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