



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:31.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) .No.3282 of 2020

N.Latha

... Petitioner

vs.

- 1.The Secretary to Government of Tamil Nadu,
Tamil Nadu State Transport Corporation,
Chennai-600 009.
 - 2.The Managing Director,
Tamilnadu State Transports Corporation (Madurai) Ltd.,
Madurai Division,
Bye-Pass Road,Madurai-625 010.
 - 3.The General Manager,
Tamilnadu State Transports Corporation (Madurai) Ltd.,
Madura Division,
Bye-pass Road,
Madurai-625 010.
 - 4.The Accountant General (A&E),
Office of the Principal Accountant General (A& E),
No.361, Anna Salai,
Chennai-600 018.
 - 5.The Manager,
Sourashtra Co-operative Bank,
South Masi Street, Madurai.
 - 6.The Manager,
Bank of India,
Anna Nagar, Madurai.
 - 7.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-2.
- ... Respondents

(R5 to R7 suo motu impleaded as party respondents by
order of this Court dated 19.02.2020)

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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the third respondent to grant the petitioner all the terminal and retirement benefits including gratuity, family pension, commutation, etc., of her husband P.Nataraj, a former selection grade stenographer within a stipulated time as that may be fixed by this Court, by considering the petitioner's representation dated 03.12.2019.

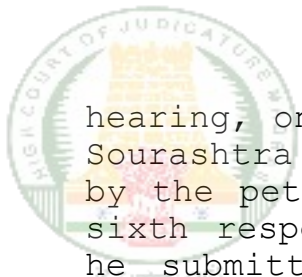
For Petitioner	: Mr.M.Solaisamy
For R1	: Mr.N.Santhoshkumar, Additional Government Pleader
For R2 and R3	: Mr.J.Senthilkumaraiah
For R5	: Mr. P.Ganapathi Subramanian
For R6	: No Appearance
For R4	: Mr.P.Gunasekaran
For R7	: Mr.A.Swaminathan

O R D E R

This writ petition has been filed to direct the third respondent to grant all the terminal and retirement benefits, including gratuity, family pension, commutation, etc., of her husband P.Nataraj, a former Selection Grade Stenographer within a stipulated time that may be fixed by this Court.

2.The case of the writ petitioner is that the petitioner's husband was working as Selection Grade Stenographer. There was a charge framed against him for creating bogus certificates and by using the same, he obtained the loan from the banks namely, Sourashtra cooperative Bank, Bank of India, State Bank of India and Indian Bank. After conducting enquiry, the third respondent issued an order of dismissal on 04.03.2004. Hence, the petitioner's husband filed a petition before the Presiding Officer, Labour Court, Madurai in I.D No.11 of 2008 and the same was ordered on 17.01.2008 directing the petitioner's husband to pay the loan dues before getting retirement benefits and also directing the third respondent to disburse the retirement benefits and other dues within three months from the receipt of the order. On 12.12.2012, the petitioner's husband namely P.Nataraj died, leaving behind the petitioner and her three children as his legal heirs. Then, the petitioner sent a representation to the third respondent to disburse the retirement benefits and other dues to him, but the same has not been considered so far and hence, the petitioner is before this Court.

3.According to the learned counsel for the writ petitioner, the petitioner has already got no objection certificate from the Indian Bank and the State Bank of India and as far as the other two banks are concerned, they have refused to give the statements. He further submitted that on 29.03.2022, when the matter was came up for



hearing, one Mr.Ganapathi Subramanian, learned counsel appearing for Sourashtra Co-operative Bank, submitted that there is no due payable by the petitioner's husband. Though notice has been served to the sixth respondent/Bank of India, none appeared for them. Therefore, he submitted that as on date all the dues in the name of the petitioner's husband have been settled. Therefore, a direction may be issued to release all the terminal benefits in favour of the petitioner.

4.On the other hand, Mr.J.Senthil Kumaraiah, learned counsel appearing for the respondents 2 and 3 submitted that they have received no due certificate from the State Bank of India and Indian Bank as stated by the petitioner. With regard to other two banks, he has also confirmed the submission of the learned counsel for the fifth respondent that there is no due payable by the petitioner's husband in the Sourashtra Co-operative Bank. Therefore, he submitted that this Court may pass appropriate orders.

5.Upon hearing, it appears that the Labour Court passed an order directing the petitioner's husband to settle the entire dues of the banks before getting the retirement benefits and quashed all charges pending against the petitioner's husband. Subsequent to the order of the Labour Court, the petitioner's husband passed away. There is no dispute with regard to the settlement of the loan to the State Bank of India as well as the Indian Bank by the petitioner's husband. Before this Court, on 29.03.2022, the learned counsel appearing for the Sowrastra Co-operative Bank also submitted that the loan due to the Sowrastra Co-operative Bank has been settled by the petitioner. However, as far as the Bank of India, though notice was served, no one is appeared.

6.In view of the above, this Court is of the view that it is appropriate to direct the respondents 2, 3 and 7 to disburse the entire terminal benefits to the petitioner as prayed in the writ petition. Accordingly, this Court directs the respondent 2, 3 and 7 to disburse the entire terminal benefits of the petitioner's husband, Mr.P.Nataraj, to the petitioner, in accordance with law, on or before 30.06.2022.

7.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Protocol)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Chennai-2.

+1 CC to M/s.M.SOLAISAMY, Advocate (SR-15760[F] dated 31/03/2022)

+1 CC to M/s.SPL GP (SR-16090[F] dated 01/04/2022)

W.P. (MD) .No.3282 of 2020

31.03.2022

MGJ(28.04.2022) 4P 8C