



W.P.(MD).No.12629 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.12629 of 2022

Vijaya Lakshmi

... Petitioner

Vs.

1.The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Represented by its Managing Director,
Kumbakonam.

2.The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam Region,
Kumbakonam.

3.The Administrator,
The Tamil Nadu Transport Corporation
Employees Provident Fund,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 600 002.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the action of the respondents in not settling pension arrears, family pension arrears and other death cum terminal benefits of petitioner's husband Late P.Visvanathan payable to the petitioner as illegal, arbitrary and violative of Article 14 and 21 of the



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Constitution of India and consequently direct the respondents to settle the petitioner, back wages of her husband from 22.04.1987 to 12.02.2002, and from 13.02.2002 to 30.06.2010, pension arrears from July 2010 to June 2017, family pension with arrears from July 2017 to April 2022 and gratuity amount with interest at the rate of 6% per annum for the belated payment of terminal benefits of the petitioner's husband from the date of death of her husband (17.02.2014) to till the date on which the said benefits are settled to her within a time frame that may be fixed by this Court.

For Petitioner : Mr.A.Rahul
For R-1 and R-2 : Mr.K.Jagadees Balan,
Standing Counsel.

ORDER

The petitioner herein, is the wife of one P.Visvanathan, who had served as a Conductor in the respondent Corporation and whose services were regularized on 01.06.1979. He was later promoted as a Senior Grade Conductor with effect from 01.08.1985.

2. On 22.04.1987, the petitioner's husband was dismissed from service. When he had challenged the order of dismissal by raising an Industrial Dispute in I.D.No.226 of 1992 before the Labour Court, Cuddalore, an award came to be passed on 13.02.2002, whereby, the respondents were directed to reinstate the



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petitioner's husband into service, along with backwages as claimed. The challenge to the award by the respondent Corporation before this Court in W.P.No.44553 of 2002 came to be dismissed on 06.03.2015 and as such, the award of the Labour Court had become final.

3. In this background, the petitioner's husband expired on 17.02.2014. Since the respondents had not settled the Death Cum Retirement Gratuity Benefits including the family pension, the present Writ Petition has been filed.

4. When the award of the Labour Court has been confirmed by this Court and the respondent Corporation have not challenged the same, there is a duty cast on the respondents to forthwith settle the DCRG and family pension amount. Though the order of this Court was passed on 06.03.2015, seven years have lapsed and the benefits of the award are yet to be settled.

5. While the learned counsel for the petitioner submitted that only the backwages from the date of dismissal till the date of award has been settled and all other benefits are due, the learned Standing Counsel appearing for the respondent Corporation submitted that the last drawn wages under Section 17B of the Industrial Disputes Act, 1947 has been paid to the petitioner's husband.



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6. The award of the Labour Court is to the effect that the petitioner's husband requires to be reinstated back into service along with the backwages. When such an award has been passed, the concerned employee is deemed to have been reverted back into service from the date on which he was dismissed from service and therefore, all the service and monetary benefits, which he would have from such date, would continue till his date of superannuation. In other words, the employee would also be entitled for continuity of service along with other benefits.

7. By taking into account of the fact that the award of the Labour Court has reached its finality and that the respondents have not settled the DCRG and pensionary benefits, this Court is of the view that the petitioner would be entitled for interest on the monetary benefits payable to her.

8. In the light of the above discussion, there shall be a direction to the respondents to forthwith disburse the entire DCRG benefits, pension and other family pensionary benefits, after adjusting all the payments that may have been made to the petitioner's husband / petitioner, including the last drawn wages under Section 17B of the Act, together with interest at the rate of 6% per annum



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from the date on which the amounts were due. Such orders for disbursement of the monetary benefits shall be made at least within a period of six (6) weeks from the date of receipt of a copy of this order.

9. This Writ Petition stands allowed accordingly. There shall be no order as to costs.

16.08.2022

Index : Yes / No
Internet : Yes/ No
Lm

To

- 1.The Managing Director,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam.
- 2.The General Manager,
The Tamil Nadu State Transport
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M.S.RAMESH, J.

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