



W.P.No.8578 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.8578 of 2017

K.Usharani

... Petitioner

Vs.

- 1 The Managing Director,
The Tamil Nadu Co-operative Housing Federation Ltd.,
Vepery,
Chennai - 600 007.
- 2 The Deputy Registrar of Co-operative Housing Societies,
No.22, A.R.A. Complex,
Nethaji Nagar,
Manjakuppam,
Cuddalore.



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3 The President,
No.E2148, Chidambaram Co-operative
Housing Society Ltd.,
No.22, Vageesha Nagar,
Chidambaram, Cuddalore District. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay the amount towards Provident Fund, Gratuity, Earned Leave Salary and other monetary benefits on account of death of the petitioner's husband V.Kumar, totalling a sum of Rs.15, 00,000/- together with interest at the rate of 13% per annum from the date of death till the date of payment within the time frame to be fixed by this Court.

For Petitioner : Mr.C. Munusamy

For Respondents: Mr.S.Kanmani Annamalai,
Additional Government Pleader for R1

Mr.T.M.Rajangam,
Government Advocate for R2

Mr.L.P.Shanmuga Sundaram for R3



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ORDER

This Writ Petition has been filed seeking for a direction to the respondents to pay the amount towards Provident Fund, Gratuity, Earned Leave Salary and other monetary benefits on account of death of the petitioner's husband namely, V.Kumar, totalling a sum of Rs.15,00,000/- together with interest at the rate of 13% per annum from the date of death till the date of payment.

2.It is the case of the petitioner that her husband was working as Secretary in the 3rd respondent Society. He died on 23.07.2014 during the course of employment. He rendered more than 28 years of unblemished service. Thus, the petitioner is entitled to get terminal benefits from the 3rd respondent Society. However, the respondents did not come forward to pay the



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amount payable to the petitioner on account of the death of her husband during the course of employment. Therefore, the petitioner applied for disbursement of entire Gratuity, leave salary and Provident fund to the respondents for the past several years, but it was invain. The grievance of the petitioner is that despite submitting several representations, the 3rd respondent Society did not come forward to settle the terminal benefits. Therefore, she had given the last representation on 25.02.2016, requesting the respondents to pay the amount payable to the petitioner to the tune of Rs.15 lakhs with interest @13% per annum from the date of death till the date of payment, but the respondents did not consider the same. Hence, this Writ Petition has been filed for disbursal of the monetary benefits on account of the death of the petitioner's husband.



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3.The 1st respondent has filed a counter, in which, it is stated that based on the letter of the 3rd respondent dated 14.07.2017 submitted to the 1st respondent, a Cheque bearing No.422994 dated 08.09.2017 for a sum of Rs.1,34,674/- drawn on Tamil Nadu Mercantile Bank, Main Branch, was issued to the 3rd respondent towards Provident fund of the petitioner's husband with instructions to hand over the same to the petitioner herein. It is further stated that for disbursement of gratuity, the concerned Deputy Registrar Co-operative Housing Society must send a proposal indicating the amount for such disbursement and no such proposal is forwarded by the 2nd respondent till date. It is further stated that as and when the said proposal is received, out of the available funds deposited by the employee will be disbursed.



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4.The learned counsel for the 3rd respondent/Society would submit that the terminal benefits to an extent of 6,58,653/- is payable to the petitioner and after adjusting the liability of the petitioner to the tune of Rs.3,85,102/-, the remaining amount payable would be Rs.2,73,551/-, out of which Rs.1,34,674/- was paid through Cheque bearing No.422994 dated 08.09.2017. The remaining amount payable is Rs.1,38,877/-.

5.Considering the facts and circumstances of the case and the submissions made on either side, this Court directs the 1st respondent to disburse the balance amount of Rs.1,38,877/- to the petitioner. As regards the payment of interest on the said amount, this Court directs the 3rd respondent to pay interest @4% per annum from the date on which payment is due till the



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date of actual payment. The said payment shall be made within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

09.10.2023

Index : Yes/No
Speaking order : Yes/No
Neutral citation : Yes/No
mps

To

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V.BHAVANI SUBBAROYAN, J.

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