



WEB COPY



W.P.No.31542 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No. 31542 of 2017

P.T.Sarala

... Petitioner

Versus

1.The Government of Tamil Nadu,
Rep by the Secretary,
Department of Handlooms, Handicrafts, Textiles and Khadi,
Fort St George, Chennai-600 009.

2.The Managing Director,
Tamil Nadu Handloom Weavers Co-operative Society Ltd,
(CO-OPTEX),
No.350, Pantheon Road, Egmore,
Chennai-600 008.

3.The Senior Manager,
(Public Relations & Systems)
Tamil Nadu Handloom Weaver's
Co-operative Society Ltd(Co-Optex)
No.350, Pantheon Road, Egmore,
Chennai-600 008.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Mandamus, directing the respondents herein to pay to the petitioner the terminal benefits, including Gratuity, Family Benefit Fund, Security Deposit Interest, Backwages, Arreas of Dearness Allowance, Provident Fund Contribution and other benefits payable in respect of the services rendered by the petitioner's husband Mr.P.S.Thirugnanam(now



W.P.No.31542 of 2017

deceased), from the date of his initial appointment on 05.10.1960 till his superannuation in the year 1998 in the post of Grade-I Manager at the Tamil Nadu Handloom Weavers Co-operative Society Ltd(Co-optex) together with interest thereon from the date on which the said benefits had become payable till the date of actual payment.

For Petitioner : Mr.T.N.Sugesh

For Respondents 1 : Mr.M.Shahjahan
Special Government Pleader

For Respondent 3 : No appearance

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the respondents to pay to the petitioner, the terminal benefits, including Gratuity, Family Benefit Fund, Security Deposit Interest, Backwages, Arreas of Dearness Allowance, Provident Fund Contribution and other benefits payable in respect of the services rendered by the petitioner's husband Mr.P.S.Thirugnanam(now deceased), from the date of his initial appointment on 05.10.1960 till his superannuation in the year 1998 in the post of Grade-I Manager at the Tamil Nadu Handloom Weavers Co-operative Society Ltd(Co-optex) together with interest thereon, from the date on which the said benefits had become payable, till the date of actual payment.



W.P.No.31542 of 2017

2. The petitioner is the wife of one P.S.Thirugnanam, who was employed with the respondent society(Co-optex) where he worked as Grade-I Manager till his superannuation in the year 1998. It is the case of the petitioner that the petitioner's husband was not paid his terminal benefits citing C.C.No.4051/1991 on the file of the learned II Metropolitan Magistrate Court, Egmore. However, the petitioner's case is that her husband was acquitted in the said criminal case. Therefore, there was no impediment for withholding or denying the terminal benefits. The petitioner has given a representation on 11.09.2017 to the respondents referring to earlier representations and personal visits pertaining to release of all terminal and service benefits payable to the petitioner's husband. The writ petition has been filed seeking issuance of a writ of mandamus to direct the respondents to pay the said terminal benefits.

3. The 2nd respondent has filed a counter affidavit setting out the calculation and concluding that no amount is payable to the petitioner's husband and on the contrary, it is only petitioner's husband who has to pay a sum of Rs.1,63,824.08/- to the respondents.

4. Heard the learned counsel for the petitioner and the learned Special



W.P.No.31542 of 2017

Speaking/non speaking order
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To

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P.B.BALAJI, J.,

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W.P.No. 31542 of 2017

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