



W.P.No.9009 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.9009 of 2024

K.Ganapriya

.. Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Marketing
Corporation Ltd (TASMAC),
CMDA Tower - II,
Egmore, Chennai 600 008.
2. The Chief General Manager (Finance),
Tamil Nadu State Marketing
Corporation (TASMAC),
Egmore, Chennai 600 008.
3. The Senior Zonal Manager,
Tamil Nadu State Marketing
Corporation (TASMAC),
Coimbatore 641 030.



W.P.No.9009 of 2024

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4. The District Manager,
Tamil Nadu State Marketing
Corporation (TASMAC),
Peelamedu, Coimbatore North,
Coimbatore-641 006.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the 1st and 2nd Respondents to pay Gratuity, EL surrender, Family pension with interest at 12% per annum, to the petitioner, on account of death of her husband Mr. K. Ragunathan on 17.08.2010, within a reasonable time.

For the Petitioner : Mr.A.E.Ravichandran

For Respondents : Mr.K.Sathishkumar
Standing counsel to TASMAC

ORDER

This Writ Petition is filed for a direction to the 1st and 2nd Respondents to pay gratuity, earned leave surrender, and family pension with interest at 12% per annum on account of the death of her husband, Mr. K. Ragunathan, on 17.08.2010.



W.P.No.9009 of 2024

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2. The brief facts relevant to the disposal of the Writ Petition are that the petitioner's husband was originally appointed as a junior assistant in the Tamil Nadu Leather Development Corporation and was thereafter absorbed and regularized in the services of the respondents corporation. While so he died on 17.08.2010. Even after his death, even though 14 years have lapsed, till date no death or retirement benefits or other amounts have been paid to the petitioner or her family members, therefore this present Writ Petition.

3. When the matter came up for admission, this court ordered a notice of motion. The learned standing counsel appearing on behalf of the respondents took notice, and time was granted to get instructions. Today, the learned counsel submitted written instructions in Na.Ka.No.1365/2010/A1 dated 22.04.2024.

4. On a perusal of the same, the learned counsel for the respondents would submit that it is true that the petitioner's husband was functioning as a junior assistant in the Tamil Nadu Leather Development Corporation and



W.P.No.9009 of 2024

was absorbed into the respondents corporation with effect from 01.02.2001 and that he died on 17.08.2010. It is further submitted that, as per the orders of the Managing Director dated 13.10.2014, 50% of the earned leave amount being Rs. 42,793/-, the gratuity being Rs. 1,27,486/-, the Family Welfare Fund being Rs.1,50,000/-, the 6th Pay commission arrears being Rs. 2,12,967/-, and the surrender of the earned leave amount being Rs.62,400/- are ordered to be disbursed to the legal heirs of the deceased employee, namely his mother Maruthulakshmi and his wife, the petitioner K.Ganapriya. As far as the provident fund and the family pension are concerned, certain queries were asked by the head office, and the same are being rectified, and the proposal is being resent.

5. It can be seen that there is absolutely no justification for delaying the matter for so long when the employee died in the year 2010 itself. Even though the learned counsel for the petitioner would argue that interest @ 12% should be granted, since in all these connected matters, interest @6% per annum is granted, and the same is also applied to the present case.



WEB COPY



W.P.No.9009 of 2024

6. In view thereof, this Writ Petition is disposed of on the following terms:

(i) The retirement and death benefit amounts as enumerated in paragraph No. 4 above shall be disbursed as directed within a period of 12 weeks from the date of receipt of a copy of this order, along with further interest @ 6% per annum, from 17.08.2010 till date of disbursal.

(ii) The respondents shall also process the proposal for payment of the Provident Fund and also the Family Pension within a period of eight weeks from the date of receipt of a copy of this order and pay all the arrears again with interest @ 6% per annum from the date on which the amount became due till the date of disbursal.

(iii) No costs. Consequently, the connected miscellaneous petition is also closed, if any.

05.06.2024

Neutral Citation : Yes/No

jrs

Page 5 of 8



W.P.No.9009 of 2024

WEB COPY To

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W.P.No.9009 of 2024



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W.P.No.9009 of 2024

D.BHARATHA CHAKRAVARTHY, J.

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W.P.No.9009 of 2024

05.06.2024