



WEB COPY

W.P.No.28 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.28 of 2023

P.Kavitha,
W/o. K.Ashok Kumar, (Driver, PR No.4022),
No.934, TNHB Phase II,
Thirupattur,
Thirupattur District – 635 601. .. Petitioner

Vs.

1.The General Manager,
Tamilnadu State Transport Corporation
(Villupuram-II) Limited, Vellore Region,
Sathuvachari, Vellore – 632 009.
2.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Pallavan Salai, Chennai – 600 002. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus to direct the respondents to settle
gratuity, LIC policy amount and pension arrears to the petitioner.

For petitioner	:	Mr.S.T.Varadarajalu
For R1	:	Mr.R.Venkatesaperumal Standing Counsel
For R2	:	Mr.C.S.K.Sathish Standing Counsel



ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents to settle the LIC policy amount, gratuity and pension arrears to the petitioner within the time frame fixed by this Court.

2. Heard the learned counsel for the petitioner, learned Standing Counsel for 1st respondent and the learned Standing Counsel for 2nd respondent.

3. The dispute between the petitioner and the respondent Corporation ended up before the Lok Adalat on 14.12.2019. The terms of settlement that was recorded is extracted hereunder:

“TERMS OF SETTLEMENT

It is represented by the learned counsel for the petitioners that during the pendency of the writ petitions, there was a compromise between the petitioner Corporation and the respondents. Accordingly, both the parties filed a joint memo dated 14.12.2019 before the Lok Adalat. The relevant portion of the joint memo filed by both parties reads as follows:

“1. The Petitioner / Respondent is ready to settle the eligible terminal benefits (i.e., PF, Gratuity, Leave Liability) to the Legal heirs by considering the workman reinstated into service w.e.f. 03.12.2013 (i.e., Date of removal) with continuity of



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service without backwages and treat the workman died on 14.03.2014 in service.

2.The period from the date of reinstatement to the date of death treated as No Work No Pay.

3.Since, the workman treated as death while on service they allowed to register for the Compassionate Appointment. The same will considered based on seniority while arising further vacancies.

4.The 1st respondent / petitioners agreed to receive a Pension from the date of the Lok-Adalath Settlement.

5.The 1st respondent / Petitioners is accepted the above terms and Codition.”

4.The grievance of the petitioner is that only the LIC policy amount and the gratuity was settled pursuant to the Lok Adalat award and the arrears of pension is yet to be settled.

5.The learned Standing Counsel for the respondent Corporation submitted that in so far as the LIC policy amount and gratuity is concerned, the 1st respondent has already settled the amount to the petitioner. What remains is the pension arrears that has to be settled by the 2nd respondent to the petitioner.

6.Taking into consideration the facts and circumstances of the case and the Lok Adalat award that was passed on 14.12.2019, there shall be



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a direction to the 2nd respondent to settle the pension arrears to the petitioner with interest at the rate of 6% from 14.12.2019 till the date of actual payment. This process shall be completed by the 2nd respondent within a period of six (6) weeks from the date of receipt of a copy of this order.

7.In the result, his Writ Petition is disposed of with the above directions. No costs.

09.09.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

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N.ANAND VENKATESH, J.

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