



W.P.(MD).No.6560 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.6560 of 2024

1.R.Indirani

2.R.Rajalakshmi

... Petitioners

Vs.

1.The Executive Director,
Bharat Heavy Electricals Limited (BHEL),
(A Government of India Undertaking),
Tiruchirappalli – 620 014.

2.The General Manager,
Human Resource Management,
Bharat Heavy Electricals Limited (BHEL),
Tiruchirappalli – 620 014.

3.The Deputy General Manager,
Human Resource Management,
Bharat Heavy Electricals Limited (BHEL),
Tiruchirappalli – 620 014.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for all the relevant records pertaining to the impugned order passed by the respondents by order in Letter



W.P.(MD).No.6560 of 2024

No.BHE:HR:WEL:2140446, dated 06.02.2024 and quash the same and consequently direct the respondents to disburse the withheld settlement dues to petitioners with correctly calculated amount along with interest w.e.f. 10.09.2001 to till disbursement.

For Petitioner : Mr.J.Sanjoy Vignesh

For Respondents : Mr.Raguvaran Gopalan

ORDER

This Writ Petition has been filed seeking to quash the order dated 06.02.2024 and consequently direct the respondents to disburse the withheld settlement dues to the petitioners with correctly calculated amount along with interest w.e.f.10.09.2001 to till disbursement.

2. Heard Mr.J.Sanjoy Vignesh, learned counsel for the petitioner and Mr.Raguvaran Gopalan, learned counsel for the respondents.

3. Mr.J.Sanjoy Vignesh, learned counsel for the petitioner submitted that the first petitioner's husband, namely, M.Rajamanickam who was working as Welder in the respondent organization, died on 10.09.2001. He died in an



W.P.(MD).No.6560 of 2024

accident occurred during the course of his employment. The petitioners are the only legal heirs of the deceased person. The first petitioner is the wife and the second petitioner is the daughter of the deceased person. After the demise of M.Rajamanickam, the wife of the deceased submitted representations to the respondents requesting them to disburse all the eligible settlement dues payable on account of his death. The respondents have disbursed some settlement dues and failed to settle some other settlement benefits. The petitioners claim that the delay was on the part of the respondents and hence they are liable to pay the interest for more than 22 years.

4. Mr.Raguvaran Gopalan, learned counsel for the respondents submitted that there is no disagreement in respect of the entitlement of the petitioners with regard to the terminal benefits on the death of the first petitioner's husband. However, the respondents denied their liability to pay interest because the delay, according to the respondents, is caused due to pending civil disputes between the petitioners and the third parties where garnishee orders were issued.



W.P.(MD).No.6560 of 2024

WEB COPY

5. However, Mr.J.Sanjey Vignesh, learned counsel for the petitioner submitted that the disputes were over in the year 2005, but the respondents did not make the payments ever thereafter. The respondents are also aware of the proceedings as they were impleaded as garnishee in the earlier proceedings. So, the respondents cannot deny that he did not have knowledge about the disposal of the then pending civil litigations. So, the respondents ought to have made the payments immediately after the disputes were over. But for the reasons best known to the respondents, they did not make any further payment and hence, the respondents are liable to pay interest atleast from the year 09.02.2005, when the civil litigations were disposed.

6. Though Mr.Raguvaran Gopalan, learned counsel for the respondents submitted that the petitioners approached the respondents for the first first time in the year 2023 and made a representation dated 14.07.2023 regarding the pending benefits, the records reveal that the petitioners were running from pillar to post for getting opinion and had filed application under RTI. So, the respondents being the employer need not wait until the petitioners make any representation despite knowing that the civil litigations, in which they were



W.P.(MD).No.6560 of 2024

impleaded as garnishee, were disposed. Under such circumstances, the respondents cannot seek shelter under the litigations, which were disposed of in the year 2005 itself. Since the respondents have not settled the withheld amount within a reasonable time, this Court directs the respondents to pay the withheld amount with interest at the rate of 4% from the date of disposal of the civil litigations, since 2005, to the petitioners. The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is **disposed of**. No costs.

17.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



W.P.(MD).No.6560 of 2024

To:

WEB COPY

- 1.The Executive Director,
Bharat Heavy Electricals Limited (BHEL),
(A Government of India Undertakin),
Tiruchirappalli – 620 014.
- 2.The General Manager,
Human Resource Management,
Bharat Heavy Electricals Limited (BHEL),
Tiruchirappalli – 620 014.
- 3.The Deputy General Manager,
Human Resource Management,
Bharat Heavy Electricals Limited (BHEL),
Tiruchirappalli – 620 014.



WEB COPY



W.P.(MD).No.6560 of 2024

R.N.MANJULA, J.

Nsr

W.P.(MD).No.6560 of 2024

17.04.2024