



W.P.(MD) No.8224 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.8224 of 2021

and

W.M.P.(MD) No.11734 of 2021

R.Premalatha

... Petitioner

Vs.

1.Bharat Heavy Electricals Employees
Co-operative Bank Ltd.,
Through its Managing Director,
Kailasapuram, Thiruchirappalli-620 014.

2.The Secretary,
Bharat Heavy Electricals Employees
Co-operative Bank Ltd.,
Kailasapuram,
Thiruchirappalli-620 014.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the respondents to disburse the gratuity, provident fund, leave salary and other pending payments of Late. P.Ravindran to the petitioner.



W.P.(MD) No.8224 of 2021

WEB COPY

For Petitioner : Mr.A.Sankararamasubramanian

For R1 : Mr.A.V.Arun

ORDER

This writ petition is filed by a widow of one late P.Ravindran seeking a Writ of Mandamus directing the respondents to disburse the gratuity, provident fund, leave salary and other terminal benefits consequent upon the death of the said late P.Ravindran.

2. The husband of the petitioner viz., late P.Ravindran, while he was working as Senior Accountant in the respondent-Cooperative Bank, was placed under suspension, by order dated 06.11.2019 and his explanation was called for on certain charges levelled against him. The husband of the petitioner submitted his explanation on 20th December, 2019 and thereafter, an Enquiry Officer was appointed by letter dated 02.07.2020 and the date of enquiry was fixed as 15.07.2020. The husband of the petitioner participated in the said enquiry proceedings and sought for furnishing of certain



W.P.(MD) No.8224 of 2021

documents and accordingly, filed a petition before the Enquiry Officer. However, subsequently it was on 01.08.2020, the husband of the petitioner passed away. Consequently, the departmental proceedings that were initiated against the husband of the petitioner were closed. Thereafter, no further steps have been taken by the respondents against the deceased husband of the petitioner, though the departmental proceedings initiated against others simultaneously along with the disciplinary proceedings against the deceased husband of the petitioner were concluded. The petitioner, having waited for considerable time and having submitted representation before the 1st respondent seeking release of the terminal benefits of her deceased husband, approached this Court by filing the present writ petition.

3. The respondents filed a detailed counter affidavit contending that the petitioner has caused loss of huge sum of Rs.1,43,10,000/- to the Bank by facilitating a theft of the said amount and a crime was registered *vide* Crime No.35 of 2019 of the Boiler Plant Police Station and the same is pending.



W.P.(MD) No.8224 of 2021

responsible for the loss caused to the Bank. In the absence of any order passed under four corners of law, making the deceased employee responsible for the loss, it is not open for the respondents to withhold the terminal benefits that are payable to the family members of the deceased employee. Though the learned counsel for the respondents tried to contend that the explanation submitted by the deceased husband of the petitioner itself would go to suggest that he is guilty of the charges levelled against him, such contention cannot be gone into in this writ petition, especially in the context of the fact that the disciplinary proceedings that were initiated against the deceased husband of the petitioner were closed by the respondents themselves and admittedly, there are no such proceedings are pending as on date.

6. Further, insofar as the reliance placed by the learned counsel for the respondents on a decision of the Hon'ble Apex Court in ***Secretary, Local Self-Government Department and others vs. K.Chandran and others⁽ⁱ⁾***, is concerned, the said decision has no application to the facts of the case on

(i) (2022) 12 SCC 104



W.P.(MD) No.8224 of 2021

WEB COPY

hand. In the said case, the Hon'ble Apex Court was considering a case where appropriate proceedings have been initiated against the delinquent employee therein and in such circumstances, the right of the State to withhold the DCRG benefits during the pendency of such proceedings. In the instant case, no such proceedings of whatsoever nature are pending against the deceased husband of the petitioner as on date.

7. Hence, the action of the respondents in not releasing the terminal benefits consequent upon the death of the husband of the petitioner and closure of disciplinary procedure is bound to be declared arbitrary and illegal. Accordingly, the same is declared as illegal and arbitrary. Consequently, this Writ Petition is allowed directing the respondents to forthwith take steps for settlement of the terminal benefits payable to the petitioner consequent upon the death of the husband of the petitioner and pay as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this order. No costs.



W.P.(MD) No.8224 of 2021

WEB COPY

8. In view of the disposal of the main writ petition, W.M.P.(MD) No.11734 of 2021 has become infructuous and the same is dismissed as infructuous.

28.02.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes

ABR

To

1.The Managing Director,
Bharat Heavy Electricals Employees
Co-operative Bank Ltd.,
Kailasapuram,
Thiruchirappalli-620 014.

2.The Secretary,
Bharat Heavy Electricals Employees
Co-operative Bank Ltd.,
Kailasapuram,
Thiruchirappalli-620 014.



WEB COPY



W.P.(MD) No.8224 of 2021

MUMMINENI SUDHEER KUMAR, J.

ABR

W.P.(MD) No.8224 of 2021

28.02.2024