

WP(MD)No.13913 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.13913 of 2021

D.Sarojini

... Petitioner

Vs

1.The Chairman,
Tamil Nadu Grama Bank (TNGB),
Head Office- 6, Yercaud Road,
Hasthampatti PO.
Salem - 636 007.

2.???The General Manager (HRM Dept),

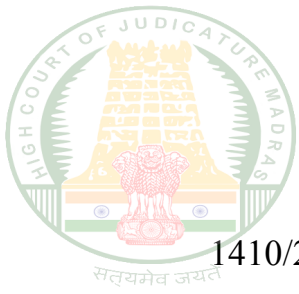
Tamil Nadu Grama Bank (TNGB),
Head Office - 6, Yercaud Road,
Hasthampatti PO.
Salem - 636 007.

3.??The Chief Manager,

Tamil Nadu Grama Bank (TNGB),
Head Office - 6, Yercaud Road,
Hasthampatti PO, Salem - 636 007.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records of the impugned order of the 2nd respondent in his letter No. TNGB:HRM:



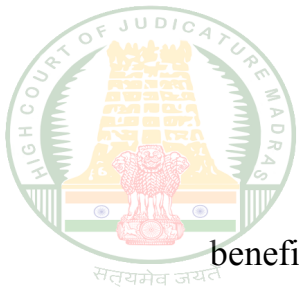
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1410/2020-21, dated 26.03.2021 and quash the same and consequently direct the 2nd respondent to settle the legally entitled interest of all the terminal deposits and other monetary benefits as stated within a stipulated time.

For Petitioner: Mr. Masilamani
For Respondent : Mr.N.Dilipkumar

ORDER

The petitioner is the wife of the deceased employee by name Donald Edward Samuel. The petitioner's husband was working in the respondent bank. He was issued with a charge memo. Pending charge memo, he died on 02.08.2014. Thereafter this petitioner sought for terminal benefits payable to her husband. In view of the departmental proceedings initiated based on the serious charges as against the petitioner's husband, the respondents had not taken any decision on the request of the petitioner. Therefore this petitioner earlier filed a writ petition before this Court in WP(MD)No.18120 of 2017, wherein this Court has held that the impugned charge memo issued as against the petitioner's husband on 29.10.2020 has to be treated as abated since the petitioner died on 02.08.2014 and this Court by order dated 21.01.2020 directed the respondents to settle all the monetary benefits that had accrued in the deceased employee's account, including the retirement



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benefits to the legal heirs of late Donald Edward Samuel at least within a period of twelve weeks from the date of receipt of copy of the order.

The respondent bank has not challenged this order and has settled the terminal benefits to the petitioner on 19.11.2020. Now the petitioner has approached this Court that this petitioner is entitled for interest for the belated settlement of the terminal benefits with effect from the date of death of her husband ie., from 02.08.2014.

2. The learned Counsel for the respondents submits that this Court while directing the terminal benefits to be settled to the petitioner, has not issued any direction for payment of interest. Immediately after the orders of this court dated 21.01.2020, they have settled the entire terminal benefits to the petitioner. Therefore the petitioner is not entitled for any interest.

3. This Court considered the rival submissions made and perused the materials placed on record.

4. The petitioner was issued with a charge memo on 29.10.2013 that he has misappropriated the bank funds to the tune of 16.47 crores. However departmental proceedings was closed that the charges are abated pursuant to

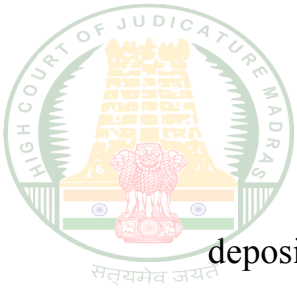


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the orders of this Court in WP(MD).18120 of 2017 dated 21.01.2020, by taking note of the death of her husband on 02.08.2014. This Court in the said writ petition has issued a further direction to the respondents to settle the retirement benefits to the legal heirs of late Donald Edward Samuel within a period of twelve weeks from the date of receipt of copy of the order. The learned Counsel on either side submit that the order copy was made ready on 27.02.2020. Therefore, they ought to have settled the terminal benefits as on 27.05.2020 as per the directions of this court in WP(MD)No. 18120 of 2017.

5. This petitioner's husband died on 02.08.2014 and on the day itself, the charge is deemed to have been abated. This Court was aware that this petitioner was not provided with the terminal benefits, but, this Court while allowing WP(MD)No.18120 of 2017 has not ordered for payment of interest. However, the statute stipulates that any belated payment of terminal benefits is liable to be paid with interest. Therefore, the respondent bank is liable to pay the interest at the rate of 6% for this belated payment from 27.05.2020 till 19.01.2021. This writ petition is disposed accordingly.

6. Further, the learned Counsel for the petitioner has submitted that



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deposit made by the petitioner's husband is lying with the bank and he has insisted interest for this deposit also. The learned Counsel for the respondents submits that the deposit, if any, in the name of the petitioner's husband is lying with the respondents, after the deposit period is over, it would have been transferred to the savings account and this deposit would receive the interest for savings bank account. The petitioner is at liberty to produce the legal heir certificate and get the deposited amount. No costs. Consequently connected miscellaneous petition is closed.

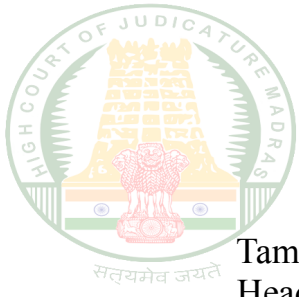
29.11.2024

DSK

To

- 1.The Chairman,
Tamil Nadu Grama Bank (TNGB),
Head Office- 6, Yercaud Road,
Hasthampatti PO.
Salem - 636 007.
- 2.???The General Manager (HRM Dept),

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B.PUGALENDHI.J.,

DSK

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