



W.P(MD)No.21719 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.21719 of 2019

R.Mary

... Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road,
Madurai-625 016.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Dindigul-4.

3.The Administrator,
Tamilnadu State Transport Corporation Employees,
Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-2.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to settle the Arrears of current wages, consequential full



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pension for the period from the date of appointment of the petitioner's husband from 29.4.1987 till the date of retirement on 30.6.2015 for 28 years payable to the petitioner's husband and also to settle the family pension, Gratuity, Provident Fund, Surrender Leave Salary, Employees Retirement Benefits Scheme Benefit, I.R.T Contribution along with 18% interest due to the death of petitioner's husband on 26.06.2019 within the stipulated period.

For Petitioner : Mr.S.Govindan,
For Respondents : Mr.S.C.Herold Singh
Standing Counsel

ORDER

The petitioner is the wife of deceased employee of Tamil Nadu State Transport Corporation (Madurai) Ltd., has approached this Court in the year 2019 that the terminal benefits due to the petitioner's husband has not been settled to her.

2. The learned counsel appearing for the petitioner submits that the petitioner's husband was terminated from service on 28.11.2001, however, the order of termination was set aside by the



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Labour Court, Madurai in I.D.No.8 of 2003, dated 17.03.2008, with a direction to the Management to reinstate the petitioner's husband into service without back wages, with continuity of service and as such he was re-instated into service on 13.08.2009 and thereafter he has retired from service on 30.06.2016, on attaining the age of superannuation. As against the order of Labour Court in I.D.No.8 of 2003, dated 17.03.2008, the Management has filed a writ petition before this Court in WP(MD) No.9094 of 2008 and the same was allowed to be dismissed for non-prosecution on 29.06.2016. The grievance of the petitioner is that without receiving the retirement benefits her husband died on 27.06.2019. Even thereafter, they have not settled the retirement benefits of her husband to the petitioner.

3.The learned Standing Counsel appearing for the respondents submits that challenging the order of dismissal for non-prosecution passed by this Court in WP(MD) No.9094 of 2008, dated 29.06.2016, an application has been filed by the Management to restore the above writ petition and it was rejected by this Court, considering



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the huge delay. The learned Standing Counsel is not having the required data with regard to the restoration application filed by them. However, he confirms that the restoration application filed by the Management was dismissed and therefore, they have filed a writ appeal with a delay, along with an application in CMP(MD) No.3798 of 2021 to condone the delay in filing the writ appeal, which is still pending.

4.In reply, the the learned Counsel for the petitioner has pointed out that the Management has not paid the required batta and therefore the same is under default list.

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

6. It appears that the petitioner's deceased husband has got a favorable order of reinstatement into service, with continuity of service from the Labour Court, Madurai in I.D.No.8 of 2003, dated 17.03.2008. The order of the Labour Court challenged by the



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Management has not been defended properly and it was already dismissed in the year 2016. It appears that the application filed for restoration was also dismissed. The petitioner's husband died in the year 2019. Thereafter, writ appeal preferred by the Management in the year 2021 was not prosecuted for the past four years. For the lethargic attitude of the Management, the petitioner, who is the wife of the deceased employee is struggling for years together for getting the terminal benefits due to her husband.

7.In view of the above, this writ petition is allowed. The Management is directed to settle the terminal benefits to the petitioner due to her husband, within a period of eight weeks from the date of receipt of a copy of this order, in the light of the order passed by the Labour Court, Madurai in I.D.No.8 of 2003, dated 17.03.2008. No costs.

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NCC:Yes/No
Index:Yes
vrn



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B.PUGALENDHI, J.

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Order made in
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