



WA(MD) No.37 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Eighteenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR
and
The Hon`ble Mr.Justice R.VIJAYAKUMAR

WA(MD) No.37 of 2024
AND
CMP(MD) No.390 of 2024

1 THE TAMIL NADU STATE TRANSPORT
CORPORATION(KUMBAKONAM) LTD,
REPRESENTED BY ITS MANAGING DIRECTOR,
KUMBAKONAM.

2 THE GENERAL MANAGER
THE TAMIL NADU STATE TRANSPORT
CORPORATION(KUMBAKONAM) LTD.,
KUMBAKONAM REGION,
KUMBAKONAM.

3 THE ADMINISTRATOR
THE TAMIL NADU TRANSPORT CORPORATION
EMPLOYEES PROVIDENT FUND,
THIRUVALLUVAR ILLAM,
PALLAVAN SALAI,
CHENNAI 600 002.

... APPELLANTS/RESPONDENTS

Vs

VIJAYA LAKSHMI

... RESPONDENT/PETITIONER



WA(MD) No.37 of 2024

सत्यमेव जयते Writ Appeal filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the order passed in WP(MD). No.12629 of 2022 dated 16.08.2022.

Prayer in CMP(MD). 390/ 2024 :

To Stay all further proceedings in WP(MD). No.12629 of 2022 dated 16.08.2022 pending disposal of the Writ Appeal and thus render justice.

Prayer in WP(MD). 12629/ 2022 :

Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of declaration declaring the action of the respondents in not settling pension arrears, family pension arrears and other death cum terminal benefits of petitioners husband Late P.Visvanathan payable to the petitioner as illegal, arbitrary and violative of Article 14 and 21 of the Constitution of India and consequently direct the respondents to settle the petitioner, back wages of her husband from 22.04.1987 to 12.02.2002, and from 13.02.2002 to 30.06.2010, pension arrears from July 2010 to June 2017, family pension with arrears from July 2017 to April 2022 and gratuity amount with interest at the rate of 6% per annum for the belated payment of terminal benefits of the petitioner's husband from the date of death of her husband(17.02.2014) to till the date on which the said benefits are settled to her within a time frame that may be fixed by this Court.

ORDER : This Writ Appeal coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S S.C.HEROLD SINGH, Advocate for the petitioner and of Mr.A.RAHUL, Advocate on behalf of the Respondent, the court made the following order:-

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Appeal has been directed against the order dated 16.08.2022 passed in W.P.(MD)No.12629 of 2022 by the Transport Corporation by raising a ground that the respondent is entitled only for a sum of Rs.13,36,862/- (Rupees Thirteen Lakhs Thirty Six Thousand Eight Hundred and Sixty Two Only), which includes balance



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backwages, gratuity and pension arrears as stated in the affidavit.

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2.Mr.A.Rahul, learned counsel appearing for the respondent has disputed the said calculation and details submitted by the appellant Transport Corporation. He further submitted that the Transport Corporation have not paid 6% interest to the respondent.

3.All these facts have to be decided only at the time of final disposal of this Writ Appeal. In the meantime, there shall be an order of interim stay on condition that the appellant Transport Corporation shall pay the interest for the amount of Rs.13,36,832/- at the rate of 4% per annum to the respondent within a period of eight weeks from today (18.01.2024), failing which, the interim stay granted by this Court shall stand vacated automatically without further reference to this Court.

4.The learned counsel appearing for the appellant Transport Corporation shall furnish the calculation memo to the learned counsel appearing for the 1st respondent.

5.Post the matter after eight weeks.

sd/-
18/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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YUVA
TO
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1 THE MANAGING DIRECTOR,
THE TAMIL NADU STATE TRANSPORT
CORPORATION(KUMBAKONAM) LTD,
KUMBAKONAM.

2 THE GENERAL MANAGER
THE TAMIL NADU STATE TRANSPORT
CORPORATION(KUMBAKONAM) LTD.,
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THE TAMIL NADU TRANSPORT CORPORATION
EMPLOYEES PROVIDENT FUND,
THIRUVALLUVAR ILLAM, PALLAVAN SALAI, CHENNAI 600 002.

ORDER IN
WA(MD) No.37 of 2024
Date :18/01/2024

SA/VR/SAR. /23.01.2024/4P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.