

W.P.(MD)No.15390 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.07.2026

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.15390 of 2023
and
W.M.P.(MD).No.12982 of 2023

The Management,
Tamilnad Mercantile Bank Ltd.
57, V.E.Road, Tuticorin- 628 002,
Rep. by its General Manager,
HRD Department.

...Petitioner

Vs

1.The Appellate Authority
under The Tamil Nadu Shops and Establishments Act,
(Joint Commissioner of Labour),
Tirunelveli.

2.Yogendran R

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order dated 20.06.2023 passed by the first respondent in Case No. TNSE 04/2019 and quash the same as illegal.

For Petitioner

: Mr.M.E.Ilango

For Respondents

: Mr.R.Ramasamy,
Counsel for State-for R1

Mr.D.Saravanan for R-2



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ORDER

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This writ petition has been filed challenging the impugned order dated 20.06.2023 passed by the first respondent in Case No. TNSE 04/2019.

2. Heard the learned counsel on either side.

3. The learned counsel appearing for the petitioner submitted that the second respondent, who was the employee concerned, passed away during the pendency of the writ petition on 08.10.2024. The second respondent had joined the petitioner Bank as a Clerk on 01.04.2010 and had rendered service for about seven years. Owing to certain cardiac ailments, he was unable to continue in service and was discharged from service on 18.03.2017. Aggrieved by the order of discharge, the second respondent preferred an appeal under Section 41 of the Tamil Nadu Shops and Establishments Act, 1947, before the first respondent. The first respondent, by order dated 20.06.2023, allowed the appeal and directed reinstatement of the second respondent with consequential benefits. Challenging the said order, the petitioner Bank has filed the present writ petition. The learned counsel further submitted that, in view of the demise of the second respondent, the relief of reinstatement has become infructuous. It was also submitted that the petitioner is a private bank and the services of the

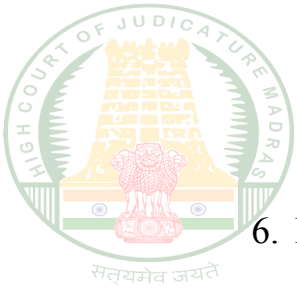


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second respondent were not pensionable and are not governed by any statutory service regulations. It is further submitted that, after the demise of the second respondent, the petitioner Bank has already disbursed a sum of Rs.1,87,000/- towards terminal benefits to the wife of the deceased employee.

4. During the course of hearing, on instructions from the petitioner Bank, the learned counsel appearing for the petitioner submitted that, in full and final settlement of all the claims arising out of the order passed by the first respondent, including the claim for back wages and other attendant benefits, the petitioner Bank is willing to pay a further sum of Rs.5,00,000/- (Rupees Five Lakhs only) as compensation to the legal heirs of the deceased second respondent.

5. The learned counsel appearing for the second respondent, on instructions from the legal heirs of the deceased second respondent, fairly submitted that the legal heirs are agreeable to receive the said amount of Rs. 5,00,000/- in full and final settlement of all their claims arising out of the employment of the deceased second respondent and have no objection for disposal of the writ petition on the said terms.



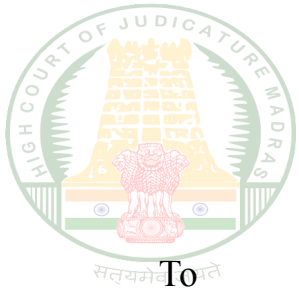
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6. Recording the aforesaid submission and the consent of both parties, this writ petition is disposed of directing the petitioner Bank to pay a sum of Rs. 5,00,000/- (Rupees Five Lakhs only) to the legal heirs of the deceased second respondent, over and above the terminal benefits already paid, within a period of four (4) weeks from the date of receipt of a copy of this order. Upon such payment, the impugned order dated 20.06.2023 passed by the first respondent in Case No. TNSE 04/2019 shall stand modified to the above extent, and the payment of the said amount shall be treated as full and final settlement of all claims, including reinstatement, back wages, continuity of service and all other attendant service benefits arising out of the employment of the deceased second respondent.

7. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

10.07.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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To
The Appellate Authority
under The Tamil Nadu Shops and Establishments Act,
(Joint Commissioner of Labour),
Tirunelveli.



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M.DHANDAPANI, J.

TSG

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