IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.29798 of 2015

K.Louisa ... Petitioner

Vs.

1 The Joint Commissioner of Labour (Conciliation),
Office of the Commissioner of Labour,
DMS Complex, Teynampet, Chennai-6

2 The General Manager (Administration),
Metropolitan Transport Corporation,
Anna Salai, Pallavan Illam,
Chennai - 600 006 ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to pay back-wages from the date of dismissal to the date of death of petitioners husband and Family pension and other terminal benefits to the petitioner.

For Petitioner : Mr. S.T.Varadarajulu

For Respondents : Mr. V.Subbiah, Spl.G.P., for R-1,
Mr. M.Chidambaram, for R-2

O R D E R

Mr.V.Subbiah, learned Special Government Pleader accepts notice for the first respondent and Mr.M.Chidambaram learned standing counsel accepts notice for the second respondent. By consent of the learned counsel for both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. The husband of the petitioner (P.Karuppiah) while serving as a driver in the services of the Metropolitan Transport Corporation un-authorisedly absented himself for 191 days between 21.12.2006 and 20.11.2007 and therefore disciplinary action was initiated and the domestic enquiry on the charges was held to be proved and the order of removal from service came to be passed. When approval was sought for before the Joint Commissioner of Labour (Conciliation), Chennai / the first respondent herein, in A.P.No.546 of 2011, it was refused vide order dated 12.01.2015.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

3. The grievance now expressed by the petitioner is that since the approval has been rejected, the petitioner, who is the wife of P.Karuppiah, who died on 10.02.2009, is entitled to get all terminal and attendant benefits. In this regard, a legal notice dated 31.07.2015 has also sent on behalf of the petitioner by her Advocate. Since no orders have been passed on the said legal notice, the petitioner has come forward to file this writ petition.

4. This Court heard the submissions of the learned counsel for both sides and perused the materials available on record.

5. Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances of the case and without going into the merits of the claim projected by the petitioner, hereby directs the second respondent to consider and dispose of the legal notice dated 31.07.2015 sent on behalf of the petitioner, in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

6. This writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

srk

To

1 The Joint Commissioner of Labour (Conciliation),
Office of the Commissioner of Labour,
DMS Complex, Teynampet, Chennai-6

2 The General Manager (Administration),
Metropolitan Transport Corporation,
Anna Salai, Pallavan Illam,
Chennai-2

WEB COPY

1 cc to Mr. Chidambaram, Advocate, Sr. 51626
1 cc to Mr.S.T. Varadarajulu, Advocate, Sr. 51978

W.P.No.29798 of 2015

MG (CO)
kk 5/10

https://hcservices.ecourts.gov.in/hcservices/