

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.12.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1663 of 2017
and
C.M.P.No.21539 of 2017

The Management,
Tamilnadu State Transport Corporation
(Villupuram Division-II) Ltd.,
Rangapuram, Vellore-9. Appellant/2nd Respondent

Versus

K.C.Ramamurthy (Deceased)

1. Umamaheswari

2. Selvan. Karthick

3. Selvi. Renuka

(Appellants 2 and 3 are minors and
rep. by their mother and natural
guardian-Umahaheswari)

4. The Presiding Officer,
Labour Court, Vellore.

Respondents/Petitioners &
1st Respondent

Prayer: Writ Appeal filed filed under Clause 15 of the Letters
Patent against the order dated 13.2.2012 passed in W.P.No.36099
of 2007 on the file of this court.

WP.No.36099 of 2007:Writ Petition praying under Article 226 of
the Constitution of India to issue a Writ of Certiorarified
Mandamus calling for the records pertaining in the Award dated
26.06.2007 passed by the 1st Respondent in ID.No.116/2001 quash
the same and consequently direct the 2nd Respondent to reinstate
the petitioner with continuity of service backwages and all
other attendant benefits including increments and revision of
pay.

For appellant : Mr.P.Paramasivadoss

For RR1 to 3 : Mr.V.Ajaykhose

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. The writ appeal has been filed by the Transport Corporation challenging the order passed by the learned Single Judge directing the appellant Transport Corporation to settle the terminal benefits of the deceased employee to his legal heirs, treating the period from his dismissal from service till his death as period of his service by making notional fitment, however, without backwages.

3. It appears that the employee concerned, when he was alive, was initiated departmentally for having involved in three fatal accidents and he suffered an order of dismissal after holding a proper enquiry and the Labour court also declined to interfere with the order of punishment, whileso, the learned Single Judge ordered for treating the period from the date of termination of his services till his death as 'on duty' and settle the terminal benefits.

4. Causing three fatal accidents by a driver would tantamount to huge loss to the Transport Corporation and hence, if the entire benefits is ordered to be paid to the legal heirs of the deceased employee, it would be nothing but, negation of the order of dismissal from service. In that view of the matter, we hold that he can be deemed to have been retired compulsorily on the date of his death. However, he would not be entitled to any backwages except the continuity of service.

5. The writ appeal is disposed of modifying the order passed by the learned Single Judge to the above extent. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Management,
Tamilnadu State Transport Corporation
(Villupuram Division-II) Ltd.,
Rangapuram, Vellore-9.
2. The Presiding Officer,
Labour Court, Vellore.

+1 cc to Mr.Paramasivadosh Advocate sr 92260

+1 cc to Mr.Ajoykhose Advocate sr 92200

W.A.No.1663 of 2017

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