

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.5709 of 2011

1.R.Mani
2.R.Madhesan

..Petitioners

Vs

1.The Presiding Officer
Labour Court, Salem.
2.The District Development Officer
Collectorate, Salem-636 001
3.The Block Development Officer
Kolathur Panchayat Union
Tharkkadu Post
Mettur Taluk, Salem District

...Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a writ of Certiorari by calling for the records relating to the order dated 22.03.2010 made in C.P.No.7 of 2008 on the file of the first respondent herein and quash the same.

For Petitioners : Ms.Zeenath Begam

For Respondents : Mr.M.Karthikeyan,
Additional Government Pleader
for R2
Mrs.C.Meera Arumugam for R3.

ORDER

This Writ Petition is filed praying to issue a writ of Certiorari to call for the records relating to the order dated 22.03.2010 made in C.P.No.7 of 2008 on the file of the first respondent herein and quash the same.

2. The averments in the Writ Petition are that the Petitioners' father R.Ramasamy was working as Tharkkadu Pump Operator from 12.08.1982 and was getting a monthly salary of Rs.875/-. He died on 19.07.2006 while in service. According to the Petitioners, they have right to receive the wages due to their father viz., R.Ramasamy from the period 01.04.2006 to

18.07.2007 and a sum of Rs.1,50,000/- towards Group Insurance Scheme as per Government Order in G.O.132 dated 21.02.2006. The Petitioners have sent a letter claiming the aforesaid amounts to the respondents. According to the Petitioners, the respondents have not responded to their letter and therefore, they filed C.P.No.7 of 2008 before Labour Court, Salem, under Section 33(C) (2) of Industrial Disputes Act, 1947, claiming an amount of Rs.1,52,625/- as arrears of salary and Family Benefit Fund along with interest and costs.

3. Before the Labour Court Respondent No.2-The Block Development Officer, Kolathur Panchayat Union, Tharkkadu Post, Mettur Taluk, Salem District, filed counter, denying the averments made by the Petitioners. It is stated that Petitioners' father R.Ramasamy was not died while in service. G.O.No.132 dated 21.02.2006 would not apply to the Petitioners' father R.Ramasamy's case. The Petitioners' father is not entitled for wages for 3 months for the period 01.04.2006 to 30.06.2006 and the Petitioners are also not entitled to any sum they claimed for. It is further stated that the letter sent by the Petitioners was considered and reply dated 04.05.2007 was sent to them.

4. Before the Labour Court, on the side of the Petitioners, P.W.1 and P.W.2 were examined and documents Ex.P.1 to Ex.P.16 were marked. On the side of the respondents, R.W.1 was examined and Ex.R.1 to Ex.R.6 were marked. On considering the rival contentions, the Labour Court pointed out that the Petitioners' father Ramasamy was retired on superannuation on 30.06.2006 and is not entitled to get Rs.1,50,000/- towards Group Insurance Scheme. Further, the Labour court, by carefully considering the entire documentary evidence, held that the Petitioners are entitled to Rs.2,550/- only towards 3 months salary due to their father. The Labour Court thus directed the respondents to pay the said amount within 2 months.

5. Heard both sides submissions.

6. A perusal of the entire materials available on record, would go to show that the Petitioners' father died on 19.07.2006 and the Petitioners approached the respondents claiming Rs.1,50,000/- towards Group Insurance Scheme as per G.O.No.132 dated 21.02.2006 and Rs.2,625/- towards wage arrears. Even though it is the contention of the Petitioners that their father R.Ramasamy worked as Tharkkadu Pump Operator from 12.08.1982 and was getting a salary of Rs.875/- and died on 19.07.2006 while in service, it is refuted by the respondents stating that R.Ramasamy, Petitioners' father was retired on superannuation on 30.06.2006 and he is not entitled to get Rs.1,50,000/- towards Group Insurance Scheme. It is further submitted that the

Petitioner was getting consolidated amount of Rs.600/- per month + Rs.250/-, totally Rs.850/- per month and therefore, the Petitioners are entitled only for Rs.2,550/- towards 3 months wages from 01.04.2006 to 30.06.2006. In this regard, it is useful to extract the relevant portion of G.O.No.132 dated 21st February, 2006 Final (Pension) Department, as under:-

" 1. In the case of death of an employee while in service, a sum of Rs.1,50,000/- shall be paid to his/her nominee by the State Insurance Corporation of India.....shall follow the existing procedure in claiming the amount from Life Insurance Corporation of India.

2. The employees of local bodies, aided schools, aided colleges and aided Technical educational Institutions including employees working under Noon Meal Programme and Panchayat Assistant/Part Time Clerks and other part time Panchayat Employees like Sanitary Workers, Over Head Tank/Power Pump Operators drawing Consolidated Pay/Honorarium shall contribute Rs.30/- every month from February 2006. These contributions shall be credited to Government account.

3. This Order shall take effect from 1-2-2006 i.e., in respect of death cases occurring on or after 1-2-2006."

7. The Labour Court, while dismissing the claim of the Petitioners towards Rs.1,50,000/- held that the Petitioners are entitled only for 2,550/- towards 3 months salary due to their father. Further, the Labour Court, by looking the documentary evidence clearly pointed out that the Petitioners' father Ramasamy was retired on superannuation on 30.06.2006. Before, this court, the fact that the Petitioners' father was not in service at the time of his death is not disputed by the Petitioners' counsel.

8. In the light of the above discussion, this court has no hesitation to hold that order passed by the Labour Court, is perfectly valid and there is no error or illegality. Accordingly, the Writ Petition is devoid of merits and the same is dismissed. No costs.

nvsri

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Presiding Officer
Labour Court, Salem.

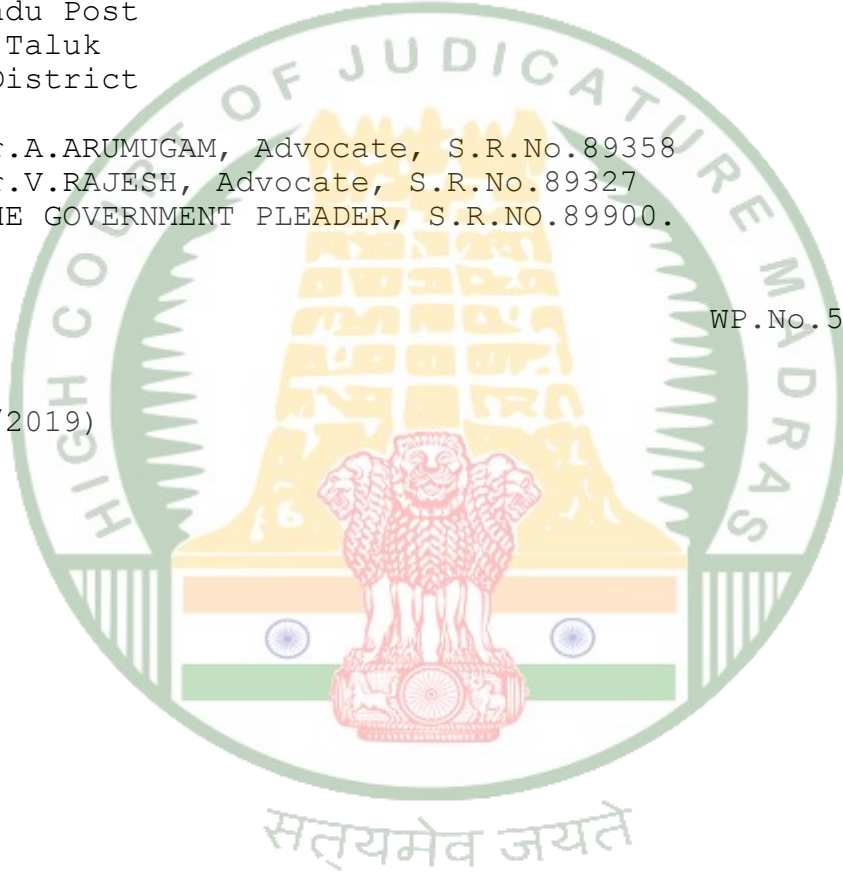
2.The District Development Officer
Collectorate
Salem-636 001

3.The Block Development Officer
Kolathur Panchayat Union
Tharkkadu Post
Mettur Taluk
Salem District

+1cc to Mr.A.ARUMUGAM, Advocate, S.R.No.89358
+1cc to Mr.V.RAJESH, Advocate, S.R.No.89327
+1cc to THE GOVERNMENT PLEADER, S.R.NO.89900.

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SS (CO)
KAK (28/01/2019)



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