



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.11198 of 2015

and

M.P (MD) No.2 of 2015

WEB COPY

The Superintending Engineer,
Madurai Electricity Distribution Circle,
Tamil Nadu Electricity Generation and
Distribution Corporation Ltd.,
K.Pudur,
Madurai - 7.

.. Petitioner

Vs.

1. The Presiding Officer,
Labour Court,
Madurai.

2.N.Kalpana
3.N.Sakunthala
4.N.Sumathi

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records in pursuant to the impugned order passed by the first respondent in I.D.No.6 of 2002 dated 16.07.2012 and quash the same.

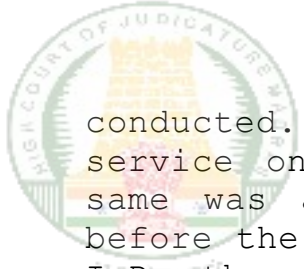
For petitioner	: Mrs.S.Srimathy for Mr.S.Dhayalan
For respondents 2 to 4	: Mr.T.Arul for Mr.Thangasamy

ORDER

The award dated 16.07.2012 made in I.D.No.6 of 2002 on the file of the Labour Court, Madurai is under challenge at the instance of the Management of TANGEDCO.

2.One Natarajan was regularized as a Field Assistant in TNEB in the year 1963. He was working on a daily wages basis since 1968. His wife passed away in the year 1990.

3.According to the learned counsel appearing for the respondents, as a result of his wife's demise, he went into depression. He was absent from duty from 15.03.1990. In this regard, a charge memo was issued and domestic enquiry was also



conducted. Thereafter, the said Natarajan was dismissed from service on 06.11.1991. He filed a departmental appeal and the same was also dismissed. Finally, he raised I.D.No.6 of 2002 before the Labour Court, Madurai. During the pendency of the said I.D, the said Natarajan also passed away. His three daughters came on record. The Labour Court by the impugned award dated 16.07.2012 came to the conclusion that for the unauthorized absence, imposing the punishment of dismissal from service was not fair, and held that it is disproportionate and the same was set aside.

4.The only relief that the Labour Court gave to the daughters of the deceased employee was disbursement of the terminal benefits and nothing else. This Court is of the view that absolutely there is nothing to interfere in this award. There is no merit in this writ petition. The writ petitioner Management is directed to quantify the benefits payable to the legal heirs of the deceased employee and pay the same with interest at 6% per annum from the date of the award of the Labour Court. The said amount shall be paid within a period of four weeks from the date of receipt of a copy of this order.

5.With the above directions, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To:

The Presiding Officer,
Labour Court,
Madurai.

SKN

VB/SKN/RSK/SAR1/21.08.2018/2P/2C

ORDER MADE IN
W.P. (MD) No.11198 of 2015
and
M.P (MD) No.2 of 2015
15.03.2018