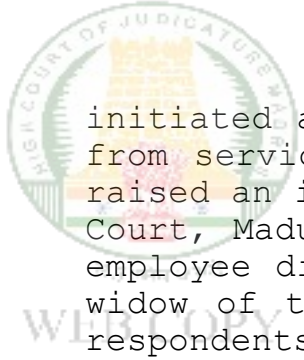




initiated a disciplinary proceedings and ultimately, he was removed from service on 06.02.2003. As against such removal, the employee raised an industrial dispute in I.D.No.104 of 2003 before the Labour Court, Madurai. During the pendency of the I.D.No.104 of 2003, the employee died on 27.05.2005, thereafter, the petitioner, who is the widow of the employee and her daughters were impleaded as a party respondents in the said I.D.No.104 of 2003. The Labour Court decided the I.D.No.104 of 2003 and passed an award on 19.06.2008, whereby, the Labour Court awarded that the period from the date of dismissal till the date of death of the employee, can be treated as a leave and accordingly, death cum retiral benefits of the employee shall be disbursed by the respondent Corporation. However, the respondent Corporation filed writ petition, challenging the said Labour Court award in W.P.(MD)No.1182 of 2009 and the said writ petition also was dismissed on 05.03.2013, thereby, confirming the award passed by the Labour Court.

4. Thereafter, nothing was moved, inspite of the repeated representations given by the petitioner, who is the widow of the said employee of the respondent Corporation and such representations had been given from 2013 onwards. Inspite of the repeated representations, the said Labour Court award has not been implemented, even though the writ petition filed by the Management was dismissed, as early, in the year 2013 itself. Last such representation was made by the petitioner on 21.05.2018, even the said representation since has not yielded any desired result, the petitioner is before this Court.

5. I have heard Mr.R.J.Karthick, learned counsel appearing for the petitioner and Mr.A.Jeyaraman, learned Standing Counsel appearing for the respondents.

6. The learned Standing Counsel appearing for the respondents would submit that, pursuant to the order of the Labour Court, though writ petition was filed by the Management and the same was dismissed, the Management can explore the possibility of preferring intra Court appeal. However, he would further add that, in the meanwhile if the petitioner is entitled to get the retiral benefits as directed by the Labour Court, whatever the eligible amount that would be settled to the petitioner by the respondent Corporation.

7. I have considered the said submission made by the learned Standing Counsel appearing for the respondents and I have perused the material placed before this Court.

8. Since the petitioner's husband died on 27.05.2005 during the pendency of the I.D.No.104 of 2003 and the I.D.No.104 of 2003 was disposed in the year 2008 and thereafter, the writ petition filed by the Management also was dismissed in the year 2013. Thereafter, absolutely, there is no reason on the part of the



respondent to deal with the payment of the retiral benefits to the petitioner and her family members as directed by the Labour Court.

9.The petitioner's husband was the erstwhile employee of the respondent Corporation, who died during the pendency of the I.D. and for all these years, the petitioner struggled a lot in running the family without the head of the family, who was the only bread winner. It is brought to the notice of this Court that, in the meanwhile, one of the daughters of the petitioner also died. Therefore, the entire family of the petitioner got ruined because of the inaction on the part of the respondent Corporation in implementing the order passed by the Labour Court as confirmed by this Court. The petitioner's family has been driven from pillar to post and have to wait for all these years. This inaction on the part of the respondent cannot be approved by this Court and therefore, this Court is inclined to pass the following order:-

"that the respondents are directed to calculate the retiral benefits of the petitioner's husband, who was the erstwhile employee of the respondent Corporation as directed by the Labour Court in I.D.No.104 of 2003, by award dated 19.06.2008 and disburse the said amount with interest at the rate of 6% per annum from the date of due, as per the award passed by the Labour Court, till the date of payment.

If any stay is granted by this Court, during the pendency of the writ petition in W.P.(MD)No.1182 of 2009, the said period can be deducted for the purpose calculating the interest, accordingly, the said amount, as indicated above, shall be calculated with interest and shall be disbursed to the petitioner, within a period of four weeks from the date of receipt of a copy of this order and file a report of the compliance of this order before this Court, on expiry of the said four weeks time."

10.With this directions, the writ petition is disposed of. No costs.

Sd/

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Administrator,
Tamil Nadu State Transport
Employee's Pension Fund Trust,
Pillaiyar Kovil, Illam,
Anna Salai, Chennai-02.



2. The Managing Director,
TamilNadu State Transport Corporation (Madurai) Ltd,
Dindigul Division,
Madurai.

3. The General Manager,
TamilNadu State Transport Corporation (Madurai) Ltd.,
Bye-pass Road,
Dindigul.

+1 cc to Mr.R.J.Karthick, Advocate, SR.No.76702

+1 cc to Mr.A.Jayaram, Advocate, SR.No.76647

rmi

SS/SV/SAR 4/21.12.2018/4P/6C

W.P. (MD) No.17264 of 2018
02.08.2018