



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2018

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.17808 of 2016

WEB COPY

Castro

... Petitioner

Vs.

1.Tamil Nadu State Transport Corporation Ltd.,
Rep.by its Managing Director,
Byepass Road, Madurai 625 016.

2.The Branch Manager,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Branch, Madurai.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to provide all service retirement benefits with other benefits mentioned by the Labour Court, Madurai in I.D.No.144 of 2002 dated 06.01.2011 of the petitioner's father namely, Pandian to the petitioner by way of considering his representation dated 15.07.2016 within a time stipulated by this Court.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.A.Jeyaram

ORDER

The petitioner has come forward with the present Writ petition to issue a Writ of Mandamus, directing the respondents to provide retirement benefits as awarded by the Labour Court, Madurai in I.D.No.144 of 2002 dated 06.01.2011 to the petitioner by considering the representation dated 15.07.2016 within a time frame.

2.The case of the petitioner is that his father viz., Late M.Pandian, who was working as Driver in the respondents / Corporation, has been terminated from service on 28.02.2001. Thereafter, he has raised an Industrial Dispute before Labour Court, Madurai and by an award dated 06.01.2011 in I.D.No.144 of 2002 the Labour Court granted the relief of reinstatement with continuity of service and other benefits, but denied the backwages and also directed to pay arrears within a period of 3 months from the date of passing of such award. Further, there was a communication dated 08.04.2011 from the Under Secretary to Government, Labour and Employment Department, with regard to the publication of the award in the notice board in terms of Section 17 (A) of the Industrial Disputes Act, 1977.



3.The further case of the petitioner is that he retired from service on 30.06.2011 and thereafter, he died on 11.12.2013 and his mother also passed away on 09.11.2013 leaving behind three children including the petitioner. The petitioner has also enclosed legal heirship certificate in the typed set of papers. Hence, the benefits due to the petitioner's father in view of the above said award has got to be extended to him.

4.The learned counsel for the respondents would contend that the gratuity and provident fund have already been settled. But, however, leave salary and IRC have not been paid. There is no evidence produced by the learned counsel for the respondents to show that the wages from 06.01.2011 to 30.06.2011 has been paid.

5.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

6.In view of the award passed by the Labour Court and also the submission made by the learned counsel for the respondents, the respondents are directed to pay back-wages from 06.01.2011 to 30.06.2011, leave salary, IRC and also the pensionary benefits from 01.07.2011 to 30.11.2013 to the legal heirs of the deceased employee viz., M.Pandian in equal proportion within a period of two months from the date of receipt of a copy of this order. The entire pensionary benefits and other amounts shall carry 6% interest per annum.

7.Accordingly, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Byepass Road,Madurai 625 016.

2.The Branch Manager,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Branch, Madurai.

+1CC to Mr.R.Venkatesan, Advocate, SR.No.83577

W.P. (MD) No.17808 of 2016
11.09.2018

NBJ

ES/RP/SAR 4/12.11.2018/2P/4C