

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 16447 OF 2002

ORDER :

When the matter is taken up for hearing, the Counsel for the petitioner submits that the petitioner had challenged the orders passed in ID No.218 of 1992, dated 15.2.1994 wherein no relief was granted to the petitioner. The petitioner was challenged the orders of removal before the Labour Court. The Counsel for the petitioner further submits that during the pendency of Writ Petition, the petitioner has expired on 1.8.2005 and LRs were brought on record and the same was ordered by this Hon'ble Court on 2.1.2014. The Counsel for the petitioner further submits that since the petitioner was seeking reinstatement by duly setting aside the orders of removal, the said relief cannot be granted in view of the death of the petitioner. Therefore, contends that appropriate orders may be passed in this Writ Petition, directing the respondents to pay service benefits of the deceased employee to the legal representatives for the service rendered by the deceased petitioner prior to his removal, if not already paid.

2. The Standing Counsel appearing for the respondents contends that the service benefits of the deceased employee were already paid to the petitioner during his life time and there are no merits in the Writ Petition and the Writ Petition is liable to be dismissed.

3. This Court, having considered the rival submissions made by both the parties, is of the view that the Writ Petition can be disposed of directing the legal representatives to submit a fresh representation seeking terminal benefits and service benefits of the deceased employee within period of two weeks from the date of receipt of a copy of this order and upon such representation being received, the respondents are directed to consider, if not already disbursed and pass

appropriate orders in accordance with rules within a further period of four weeks thereafter.

4. Accordingly, Writ Petition is disposed of.

5. The Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

10th December, 2018

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