

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO. 21343 OF 2004

ORDER:

When this matter is taken up for hearing, learned Standing Counsel appearing for the petitioner Corporation contends that the Labour Court had mechanically allowed M.P.No.18 of 2003 vide orders dated 17.3.2004 directing the petitioner Corporation to pay a sum of Rs.4,63,200/- to the 1st respondent without examining as to whether the 1st respondent is entitled for such benefits or not. The Labour Court had failed to appreciate that the deceased employee had contributed only for three months towards family pension scheme. Further, the Labour Court, vide order dated 31.12.2002 in I.D.No.311 of 1992, had erroneously granted additional monetary benefits and various other benefits to the deceased employee. The petitioner Corporation had filed an application seeking to set aside the said order in M.P.No.18 of 2003 as the said order was passed without hearing the petitioner. When the said application was rejected, the petitioner filed the present Writ Petition.

Learned Standing Counsel appearing for the petitioner Corporation contends that the 1st respondent is entitled for Rs.78,000/- towards the terminal benefits of the deceased employee and the same were paid in pursuance to the interim order passed by this Court on 23.11.2004 and contends that appropriate orders be passed by this Court by remanding the matter back to the Labour Court for fresh adjudication and further direct the Labour court to grant benefits by duly examining as to whether the deceased employee had contributed towards the family pension scheme and various other benefits or not.

Though notices were served on the 1st respondent, none appeared on her behalf.

This Court, having considered the above said submission, is of the considered view that ends of justice would be met if the order impugned in M.P.No.18 of 2003 dated 17.3.2004 is set aside, by remanding the matter back to the Labour Court, duly directing the Labour Court to adjudicate the issue afresh after giving an opportunity to the petitioner and the 1st respondent and pass appropriate orders within six months from the date of receipt of a copy of this order.

With the above observations, Writ Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI ,J

Date: 17.12.2018

KPM

