

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 22.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.12581 of 2013

K.Natesan, (Deceased)

1.Tmt. Govindammal ,
W/o late K.Natesan

2.Tmt.Valinayagi,
W/o late K.Natesan

3.N.Duraisamy,
S/o Late K.Natesan

4.N.Balakrishnan,
S/o Late K.Natesan

5.N.Sundar,
S/o Late K.Natesan

6.N.Sivakumar,
S/o Late K.Natesan

7.Tmt.Mathiaghagi,
D/o Late K.Natesan,
W/o .Suresh

8.N.Mohan,
S/o Late K.Natesan

9.Tmt.Manula
D/o Late K.Natesan,
W/o .Boopalan.

10.N.Nveendran,
S/o Late K.Natesan

11.Selvi. Thilagam
D/o Late K.Natesan

12.N.Nirmal,
S/o Late K.Natesan

.. Petitioners

(P.1 to 12 are substitute as LRS of deceased
K.Natesan as per Order dated 13.02.2018 in
MP.1/2015 in WP.12581/2013)

- Vs -

Tamil Nadu State Transport Corporation,
(Villupuram) Limited, Vellore Region,
Rep.by its Managing Director,
Rangapuram, Vellore 632009.

.. Respondent

Writ petitions filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondent corporation to settle all the terminal benefits like, payment of leave salary, balance amount due to the petitioner towards gratuity, refund of caution deposit, commutation of pension and pension arrears with interest at 12% p.a. Within a time frame.

For Petitioners : Mr.K.M.Ramesh

For Respondent : Mr.CSK.Sathish

ORDER

Pending the writ petition, the original petitioner died and, therefore, petitioners 1 to 12 are impleaded as legal heirs of the original petitioner.

According to the petitioners, the original petitioner joined the services of the Pallavan Transport Corporation Limited, as Driver in the year 1977 and thereafter transferred to the respondents transport corporation. After rendering 12 years of service, the respondent corporation illegally terminated the petitioner from service on 01.08.2009 on the allegation that the petitioner drove in a rash and negligent manner. Aggrieved against the said termination order, the petitioner raised an industrial dispute under Sec 2-A of the Industrial Disputes Act, 1947, before the Industrial Tribunal in I.D.No.386 of 1993 and the Labour Court, Vellore has passed an award dated 09.04.2002 by setting aside the termination order and directed reinstatement of the petitioner with further direction to the respondent corporation to pay 50% back wages from the date of dismissal till the date of his superannuation and to settle the petitioner's terminal benefits treating the period of his non-employment as continuous service. Aggrieved by the said order the respondent corporation filed a writ petition before this Court in WP.No.22407/2003. However, this Court, by its order dated 18.11.2008 dismissed the writ petition and confirmed the award passed in I.D.No.386/2003. However,

the respondent corporation did not pay any amount to the petitioner. For the purpose of payment out, the petitioner made several representations to the respondent corporation however the respondent corporation deposited only a merge amount to the credit of the I.D. Thereafter the petitioner made application for payment of the amount lying in deposit before the Labour Court, which was opposed by the corporation. In such circumstances, the petitioner was permitted to withdraw 50% of the amount lying in deposit. Since the amount was not paid as per the award, the original petitioner filed the present petition and since he died pending the writ petition, his legal heirs were impleaded, and a direction is sought to the respondents to pay the terminal benefits of the original petitioner like, payment of leave salary, balance amount due to the petitioner towards gratuity, refund of caution deposit, commutation of pension and pension arrears.

3. Learned counsel appearing for the petitioner submitted that the fact of the award and its subsequent confirmation by this Court are not disputed and the corporation is only trying to drag on the proceedings by not paying the lawful dues of the petitioner. The petitioner as well as the legal heirs are made to toil to get their rightful share. Hence he prays for allowing this petition.

4. Per contra, learned Special Government Pleader appearing for the respondents, while not disputed the facts, as projected above, however, submits that during the pendency of the writ petition, the gratuity amount was deposited before the trial court. Further, it is submitted that the pension paying authorities are not before this Court. However, learned standing counsel submits that the legally eligible amount will be settled to the legal heirs of the petitioner in six instalments with interest at 6% from the date of award till payment of the whole dues to the legal heirs.

5. Considering the facts and circumstances of the case and considering the fact that the learned standing counsel for the respondent has admitted the fact that the legal heirs of the petitioner are entitled to the legally entitled amount of the petitioner which will be paid within the time frame fixed by this Court, this Court directs the respondent corporation to settle all the terminal benefits like, payment of leave salary, balance amount due to the petitioner towards gratuity, refund of caution deposit, commutation of pension and pension arrears with interest at 6% p.a. from the date on which the award was made till the entire disbursal of the amount, to be made in six equal instalments, the first of which will have to be honoured/paid within a period of two weeks from the date on which a copy of this made ready.

6. With the above direction, this Writ petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Jrs

To

Tamil Nadu State Transport Corporation,
(Villupuram) Limited, Vellore Region,
Rep.by its Managing Director,
Rangapuram, Vellore 632009.

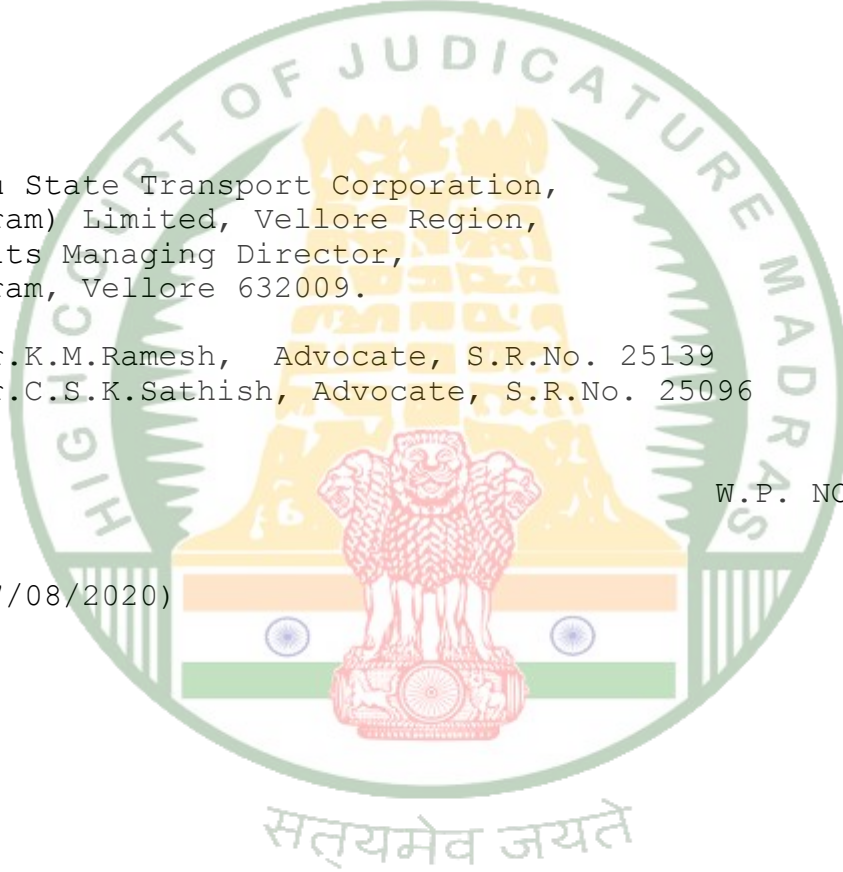
+1cc to Mr.K.M.Ramesh, Advocate, S.R.No. 25139

+1cc to Mr.C.S.K.Sathish, Advocate, S.R.No. 25096

W.P. NO.12581/2013

VBA (CO)

GN (17/08/2020)



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