



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.NO.16333 OF 2008

- 1.T.Jagadeesan (Died)
2. Ramkumar
3. Kirubakaran

... Petitioners

(Petitioners 2 and 3 are substituted as
Lrs of deceased T.Jagadeesan as per
Order dated 24.07.2015 in M.P.No.1/2015
in W.P.No.16333/2008)

-Vs-

1. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Vizhupuram Division No.1,
Vizhupuram District.
2. The Branch Manager,
M.U.C.Chennai Branch,
Tamil Nadu State Transport Corporation Ltd.,
Chennai - 108.
3. The Presiding Officer,
First Addl Labour Court,
Chennai - 104.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for records from the third Respondent's impugned order made in I.D.No.636/2000, dated 31.01.08 and quash the same and consequently direct the 1st and 2nd respondents to reinstate the petitioner with back wages and all other attendant benefits from 07.10.90 to till the petitioner was reinstated in service.



For Petitioners : Mr.L.Rajasekar

For Respondents : Mr.K.J.Sivakumar

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O R D E R

This Writ Petition has been filed challenging the award passed by the third Respondent in I.D.No.636/2000, dated 31.01.08, by which the Labour Court directed the respondents 1 and 2 to pay the service benefits as per the rules of the respondent Corporation for the service rendered by the petitioner till the date of dismissal, if not paid and for a consequential direction to the respondents 1 and 2 to reinstate the petitioner with back wages and all other attendant benefits from 07.10.90 till the petitioner was reinstated in service.

2. During the pendency of the Writ Petition, the employee died and his Legal Heirs were brought on record as petitioners 2 and 3 in this Writ Petition. It is represented by the learned counsel appearing for the Legal heirs of the Workman that the terminal benefits due to their father may be directed to be settled by the employer.

3. The learned counsel appearing for the respondents 1 and 2 submitted that the Labour Court, after due appreciation of both oral and documentary evidence has passed an award and therefore it does not require interference. He further submitted that the respondents 1 and 2 are agreeable to settle the terminal benefits due to the Workman from the date of his appointment till the date of his dismissal.

4. Heard both sides. Perused the records.

5. The sum and substance of the matter is that the employee, after due enquiry was dismissed from service on 07.10.1990 on the ground of unauthorised absence and his past record was also bad. The petitioner's absence was also admitted by him and the 4th charge that there was a loss to the respondent Corporation, was not proved by the respondents 1 and 2 and therefore the Labour Court held that the finding of the enquiry officer with respect to charges 1 and 2 alone was held to be proved and the findings of the enquiry officer with regard to the charges 3 and 4 were held to be not proved.

6. A reading of the award passed by the Labour Court would go to show that the Labour Court had exercised its power and passed an award by observing that the employee would be entitled to service benefits upto the date of dismissal and not otherwise. Further, there was a delay of 10 years in raising a



dispute and therefore, I find no perversity in the award passed by the Labour Court.

7. In view of the same and also considering the submissions of the learned counsel appearing on either side, this Writ Petition is dismissed. However, it is made clear that the respondents 1 and 2 shall extend the terminal benefits due to the deceased employee to the petitioners 2 and 3/Legal Heirs of the Workman for the services rendered by the employee from the date of his appointment till the date of dismissal, within a period of four months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

arr

To

1. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Vizhupuram Division No.1,
Vizhupuram District.
2. The Branch Manager,
M.U.C.Chennai Branch,
Tamil Nadu State Transport|Corporation Ltd.,
Chennai-108.
3. The Presiding Officer,
First|Additional Labour Court,
Chennai - 104.

+1cc to Mr.L.Rajasekar, Advocate, S.R.No.37236
+1cc to Mr.K.J.Sivakumar, Advocate, S.R.No.37089

W.P.NO.16333 OF 2008

VSN-II (CO)
PBS/06/10/2021