



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2021

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.23642 of 2004

Tamilnadu State Transport Corporation
(Salem Division -II) Limited
Bharathipuram,Dharmapuri - 5
Rep by its Managing Director.

...Petitioner

Vs.

1.The Presiding Officer,
Labour Court, Salem.

2.R.Pandurangan

...Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari, to call for the records of the 1st respondent in his award in I.D.No.178/2002 dated 15.02.2003 and quash the same.

For Petitioner : Mr.K.Thangam for
Mr.D.Raghu

For Respondents : Mr.V.Ajaykhose for R2

O R D E R

This Writ Petition has been filed, challenging the Award dated 15.02.2003 of the Labour Court, Salem passed in I.D.No.178 of 2002, by which, the Employee / 2nd Respondent was directed to be reinstated without continuity of service, backwages and all other attendant benefits. Aggrieved by the said Award, the Management is before this Court.

2. When the matter is taken up for hearing, it is represented by the learned counsel for the Employee / 2nd



Respondent herein that the Employee is no more and that his legal heirs have not been brought on record by the Management. Hence, this Writ Petition is liable to be dismissed on this sole ground. However, it is further represented by the learned counsel for the second respondent that as the Management has suggested for settlement, the benefits under Clause No.2(iii) may be extended as per Rules.

3. The learned counsel appearing for the Transport Corporation submitted that he will ascertain under which category deceased employee falls and the benefits may be extended to the legal heirs, provided they agree. In case they do not agree, they may be permitted to reopen the matter.

4. In view of the submissions made on either side, this Writ Petition is dismissed. It is open to the legal heirs and the Management to agree for the settlement mentioned supra, failing which, Management is at liberty to reopen the Writ Petition, after bringing the legal heirs on record. No costs.

Sd/-

Assistant Registrar (CS-V)

// True Copy //

Sub Assistant Registrar

dpq

To:

The Presiding Officer,
Labour Court,
Salem.

+1cc to Mr.Ajay Khose, Advocate SR.No.37164

+1cc to Mr.D.Raghu, Advocate SR.No.37474

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MG(CO)
RVM(18/10/2021)