



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.25404 of 2016
and
W.M.P.No.21719 of 2016

The Management,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan Illam, Anna Salai,
Chennai - 600 002.

...Petitioner

-Vs-

1.T.Rajendran (deceased)
2.The Special Deputy Commissioner
of Labour,
D.M.S.Complex, IV Floor,
Teynampet, Chennai - 600 006.

3.Valli
4.Suresh Kumar
5.Lakshmi
6.Kavitha
7.Nagammal

...Respondents

(R3 to R7 are substituted as LR's of
deceased R1 as per order dated
04/11/2019 in WMP.No.35444/2017
in WP.No.25404 of 2016)

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India, praying to issue a Writ of Certiorari
calling for the records pertaining to the order passed in
A.P.No.403 of 2013 dated 19.08.2013 on the file of the 2nd
respondent herein and quash the same.

For Petitioner : Mr.M.Chidambaram

For R1 : Mr.P.Ganesan,
Government Advocate

For R2 : Mr.S.T.Varadharajulu



ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.

WEB COPY

2. In the present case, the first respondent herein was terminated from services on 16.11.2007 based on the charges of unauthorized absence. It is now brought to the notice of this Court that the first respondent had died on 02.01.2017. As such, by applying Clause 2(iii) in the Letter No.5307/C2/2021, dated 24.07.2021 issued by the Additional Chief Secretary to Government, Transport (C.2) Department, the legal heirs of a deceased workman would be entitled to death cum retirement benefits by treating the non-employment period of the deceased workman as "No Work No Pay". The relevant clause is extracted hereunder:-

"2. There were 283 cases, except TNSTC (MDU), placed before the Board for discussion. After detailed deliberations, the following decisions were taken:-

....

(iii) In respect of Ex-employees who expired during litigation, to proceed to settle the eligible death cum retirement benefits to the legal heirs of the deceased workman (up to the date or date of retirement whichever is earlier) by treating the non-employment period as "No Work No Pay" and also the legal heirs shall not claim for appointment under compassionate grounds."

3. In this background, there shall be a direction to the petitioner-Corporation to disburse the death cum retirement benefits to the respondents 3 to 7 herein, who are the legal heirs of the deceased employee, namely late T.Rajendran, as expeditiously as possible, in any event, within a period of 8 weeks from the date of receipt of a copy of this order.

4. The Writ Petition stands disposed of, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar



hvk
To

1.The Management,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Illam, Anna Salai,
Chennai - 600 002.

2.The Special Deputy Commissioner of Labour,
D.M.S.Complex, IV Floor,
Teynampet, Chennai - 600 006.

+1 CC to Mr.M.Chidambaram, Advocate sr 68536

+1 CC to Mr.S.T.Varadharajulu, Advocate sr 68468

+1 CC to The Government Pleader sr 69071.

W.P.No.25404 of 2016
and
W.M.P.No.21719 of 2016

KSM(CO)
SP(20/01/2022)