



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7914 of 2015

S.Nanjappan (deceased)

1.N.Nagammal

2.S.Saroja

3.P.Kavitha

4.N.Chockalingam

5.N.Nagalingam

... Petitioners

(Petitioners 1 to 5 substituted as legal heirs of the deceased Petitioner vide order dated 30.07.2021 in W.M.P.No.16833 of 2021 in W.P.No.7914 of 2015)

vs.

1.The Special Deputy Commissioner of Labour,
Teynampet, Chennai - 18.

2.The Management,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Road,
Salem - 636 007.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records connected with the order dated 25.11.2013 passed by the 1st Respondent in A.P.No.63 of 2012 quash the same and consequentially direct the 2nd Respondent to reinstate the Petitioner with continuity of service, backwages and all other attendant benefits.

For Petitioners : Ms.S.Girija

For 2nd Respondent : Mr.D.Raghu



O R D E R

Petitioner/employee has come up with this Writ Petition challenging the order dated 25.11.2013 passed by the 1st Respondent/Authority in Approval Petition No.63 of 2012.

2. It is stated by the Petitioner/employee that, while he was working as a Conductor in the 2nd Respondent/Transport Corporation, he was served with a Charge Memo dated 06.07.2011 that, he had been unauthorizedly absent from duty from 16.06.2011. Eventually, he was dismissed from service by the 2nd Respondent, with effect from 16.02.2012. According to the Petitioner, his absence from duty was neither willful nor wanton, but purely based on medical reasons, as he was suffering from boils and swelling in his leg.

3. When the matter was taken up for hearing on the last occasion, learned counsel for the Petitioner/employee represented that, the Petitioner/employee passed away in May 2021 and he sought time to file a Substitution Petition to bring the legal heirs of the deceased/employee on record.

4. Today, when the matter is taken up for hearing, learned counsel appearing for the Petitioners submitted that, the legal heirs of the deceased employee have accepted the proposal given by the Government vide Letter No.5370/C2/2021, dated 24.07.2021 in respect of Clause No.2(iii) alone. For better appreciation, the said 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 (upto the date of death 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.



5. Taking note of the submissions of the learned counsel on either side and as the legal heirs of the deceased employee have agreed to accept clause 2(iii) of the proposal made by the Government, the 2nd Respondent/Transport Corporation is directed to settle the eligible Death-cum-Retirement benefits to the legal heirs of the deceased employee, as per the Rules in force, by treating the non-employment period of the employee as 'No Work No Pay'. It is also made clear that, the legal heirs of the deceased employee shall not claim appointment in the 2nd Respondent/Transport Corporation on compassionate grounds.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected W.M.P.No.22224 of 2016 is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Special Deputy Commissioner of Labour,
Teynampet, Chennai - 18.
2. The Management,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Road,
Salem - 636 007.

+1cc to Mr.D.Raghu, Advocate, S.R.No.37476

+1cc to Ms.S.Girija, Advocate, S.R.No.37821

W.P.No.7914 of 2015

PMK(CO)
SB(05/10/2021)