



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

WEB COPY

Writ Petition (MD)No.22478 of 2016

S.Girija

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai)
Limited,
Bye Pass Road,
Madurai 16.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai)
Limited,
Dindigul Region,
Dindigul 4.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Pallavan Salai,
Chennai - 2.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to consider the claim of the petitioner for appointment on compassionate ground to the petitioner's daughter Mini Dalsia and for grant of family pension and other terminal benefits, in view of the death of the petitioner's husband on 06.09.2015, in terms of the Rule 20 of the Tamil Nadu State Transport Corporation Employees Pension Fund Rules and in the light of the judgment of this Court in W.P.No.2636 of 2001, dated 08.06.2010, which was confirmed by the Division Bench of this Court in W.A.1188 of 2011, dated 26.11.2014, which was confirmed by the Hon'ble Supreme Court in SLA(C)No.31558 of 2015, dated 26.10.2015.

For Petitioner	: Mr.S.Govindan
For Respondents	: Mr.J.Senthil Kumaraiah
	Standing counsel

O R D E R

This writ petition has been filed for a direction to the respondents to consider the claim of the petitioner for appointment on compassionate ground to the petitioner's daughter viz., Mini Dalsia and for grant of family pension and other terminal benefits,



in view of the death of the petitioner's husband on 06.09.2015, in terms of Rule 20 of the Tamil Nadu State Transport Corporation Employees Pension Fund Rules and in the light of the judgment of this Court in W.P.No.2636 of 2001, dated 08.06.2010, which was confirmed by the Division Bench of this Court in W.A.1188 of 2011, dated 26.11.2014, which was confirmed by the Hon'ble Supreme Court in SLA(C)No.31558 of 2015, dated 26.10.2015.

2. The case of the petitioner is that her husband was appointed as Bus Body Cleaner on temporary basis in the respondent Corporation in the year 1988-1989 and his service was not regularised. Hence, he made a representation to the respondents for regularisation of service under the provisions of Conferment of Permanent Status Act. However, no step was taken by the Corporation to regularise the service of the petitioner. Therefore, the Union raised an industrial dispute in I.D.No.69 of 1991 before the Industrial Tribunal, Chennai, seeking for regularisation of 116 Bus Body Cleaners. After contest, the Tribunal had passed an award dated 15.11.2000, directing the respondents to regularise the service of the petitioner's husband. Aggrieved by the said order of Labour Court, the respondent Corporation filed W.P.No.2636 of 2001 before this Court. This Court, by order dated 08.06.2010, dismissed the writ petition. Aggrieved by the said order of this Court, the respondent Corporation filed an appeal before this Court in W.A.(MD).No.1188 of 2011 and the Division Bench of this Court has dismissed the appeal, on 26.11.2014 and confirmed the order of the learned single Judge. As against the same, the respondent Corporation has preferred an S.L.P.No.31558 of 2015 before the Hon'ble Supreme Court and the Hon'ble Supreme Court has confirmed the order of this Court. In the mean while, the husband of the petitioner died on 06.09.2015. However, his service was not regularised and not complied with the order of this Court. Hence, the petitioner has made a representation to the second respondent on 07.10.2016, for granting family pension and other terminal benefits. But, till date the said representation was not considered. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that though the respondents filed a counter stating that there is no proof for the petitioner's husband employment, the respondents themselves prepared the list, in which, the name of the petitioner's husband was found in Serial No.41. Even thereafter, the petitioner's representation was not considered. Hence, he prayed for appropriate direction.

4. The learned Standing counsel appearing for the respondents would submit that this Court may issue a direction to the respondents to consider the petitioner's representation, in accordance with law.



5. In view of the above, this Court permits the petitioner to file a proof for the petitioner's husband employment in the Corporation and if any such proof is filed, the respondents are directed to consider the petitioner's representation, dated 07.10.2016 and pass orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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2.The General Manager,
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