



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.16286 OF 2011

AND

M.P.NO.1 OF 2011

Tamil Nadu State Transport Corporation
(Salem) Ltd.,
Rep. by its Managing Director,
No.12, Ramakrishna Road,
Salem - 636 007.

...Petitioner

Vs

1.The Presiding Officer,
Labour Court,
Salem.

2.S.M.Rathinam (Deceased)

3.R.Agilandam
W/o.S.M.Rathinam

4.Manimozhi
W/o.R.Palani

5.Komathi
W/o.Govindan

...Respondents

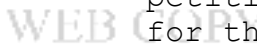
(R3 to R5 substituted as LRs of deceased
2nd respondent vide order dated 14.03.2022 made
in WMP.No.25951/2021 in WP.No.16286/2011 by MSRJ)

PRAYER : Writ Petition filed under Article 226 of the
Constitution of India, praying to issue a Writ of Certiorari
calling for the records of the 1st respondent in I.D.No.87 of
2007, dated 30.11.2009 and quash the same.

For Petitioner : Mr.A.Sundaravadanam

For R1 : Court

For R3 to R5 : Mrs.Sasikala Ramdoss



ORDER

Heard Mr.A.Sundaravadanam, learned counsel for the petitioner and Mrs.Sasikala Ramdoss, learned counsel appearing for the respondents 3 to 5.

2. In the Award passed in I.D.No.87 of 2007, the termination order against the employee, namely, S.M.Rathinam, was set aside and consequently, he was directed to be reinstated back into service, together with continuity of service only for the purpose of pensionary retirement benefits, but without back wages.

3. In the present writ petition filed by the management challenging the Award dated 30.11.2009, the employee, namely, K.M.Rathinam, expired and his legal heirs were substituted as respondents 3 to 5 herein.

4. The Government of Tamil Nadu, Transport (C.2) Department, in its letter No.5370/C2/2021, dated 28.07.2021, had held that, in respect of the employees, who expired during litigation, the eligible death-cum-retirement gratuity (DCRG) benefits should be settled to the legal heirs of the workman upto the date of death or the date of retirement, whichever is earlier, by treating the non-employment period as "No Work No Pay" and the legal heirs will not be entitled for claiming compassionate appointment. The learned counsel for the respondents 3 to 5 submitted that they are willing to receive the DCRG benefits in accordance with the Government Letter dated 28.07.2021.

5. In view of the decision taken by the Government of Tamil Nadu in its letter dated 28.07.2021, the legal heirs of the deceased employee would be entitled for the death-cum-retirement benefits, in accordance with the Award passed by the Labour Court.

6. Accordingly, there shall be a direction to the petitioner herein to pass appropriate orders, releasing the death-cum-retirement gratuity benefits to the legal heirs of late K.M.Rathinam, in accordance with the Award passed by the Labour Court, Salem in I.D.No.87 of 2007 dated 30.11.2009 and the letter No.5370/C2/2021, dated 28.07.2021 of the Government of Tamilnadu, Transport (C.2) Department, within a period of four (4) weeks from the date of receipt of a copy of this order. The petitioner-Corporation will be entitled to deduct the last drawn wages paid under Section 17B of the Industrial Disputes Act, from the death-cum-retirement benefits.



7. With the above direction, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

hvk

To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem - 636 007.

2.The Presiding Officer,
Labour Court,
Salem.

+1cc to Sasikala Ramadoss, Advocate Sr.No.19675

W.P.No.16286 of 2011

JP(CO)
RVM(02/06/2022)