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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.16403 OF 2011

AND

M.P.NOS.1 OF 2011, 1 OF 2013 & 3 OF 2014

The Management,
The Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vellore Region, Rangapuram,
Vellore - 632 009.
Rep. by its General Manager.

... Petitioner

-Vs-

1. The Presiding Officer,
Principal Labour Court,
Vellore District,
Vellore.

2. V.Kanthan (Deceased)

3. Indira

4. Sathish

5. Suresh

6. Selvi Suganya

... Respondents

(R3 to R6 substituted as LR's of
deceased 2nd respondent vide order
dated 11.11.2019 in W.M.P.No.35454
of 2018 in W.P.No.16403 of 2011)

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 order dated 04.10.2010 in I.D.No.150 of 2006 on the file of the Principal Labour Court, Vellore District, Vellore and quash the same.



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For Petitioner : Mr.G.Saravana Kumar
For R1 : Court
For R2 : Died
For R3 to R6 : Mr.S.T.Varadarajulu

ORDER

Heard Mr.G.Saravana Kumar, learned counsel for the petitioner and Mr.S.T.Varadarajulu, learned counsel appearing for the respondents 3 to 6.

2. In the Award passed in I.D.No.150 of 2006, the termination order against the employee, namely, V.Kanthan, was set aside and consequently, he was directed to be reinstated back into service, together with continuity of service, other benefits and 50% back wages.

3. In the present writ petition filed by the management challenging the Award dated 04.10.2010, the employee, namely, V.Kanthan, expired and his legal heirs were substituted as respondents 3 to 6 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 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.

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 benefits to the legal heirs of late V.Kanthan, in accordance with the Award passed by the Principal Labour Court, Vellore in I.D.No.150 of 2006 dated 04.10.2010, 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 petitions are closed.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The General Manager,
The Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vellore Region, Rangapuram,
Vellore - 632 009.
2. The Presiding Officer,
Principal Labour Court,
Vellore District,
Vellore.

+1cc to Mr.G.Saravana Kumar, Advocate, S.R.No.19594
+1cc to Mr.S.T.Varadarajulu, Advocate, S.R.No.19688

W.P.NO.16403 OF 2011

SJ(CO)
PBS/01/04/2022