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W.M.P.No.3162 of 2022

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in
W.P.No.18915 of 2021

C.SARAVANAN, J.

This application has been filed for recalling the final order dated 08.09.2021, on the ground that the petitioner has not disclosed the identity and the by-laws for whose benefit, the petitioner had filed W.P.No.18915 of 2021.

2. The learned counsel for the petitioner/respondent submits that the Bye-laws is ambiguous and irrespective of the fact that the person who is entitled to benefit of the final order dated 08.09.2021 in W.P.No.18915 of 2021, it was not open for the petitioner which is a Welfare Association to espouse the cause of the deceased employees. It is therefore submitted that the final order dated 08.09.2021 passed in W.P.No.18915 of 2021 is to be recalled. It is submitted that as and when a fresh writ petition is filed or appropriate application is filed by the deceased employee's wife or family members, it will be considered and disposed of on merits and in accordance with law.

3. The learned counsel for the petitioner/respondent has referred to



Clause 8 of the Bye-laws which is inapplicable. It is submitted that as per Clause 8, any body who is above 18 years can be a Member of the petitioner/respondent Welfare Association. It is submitted that the petitioner/respondent has no *locus standi* to espouse the cause of deceased employee's family.

4. I have considered the arguments advanced by the learned counsel for the petitioner/respondent and the learned counsel for the respondent/petitioner.

5. The stand of the petitioner/respondent cannot be entertained at this stage as it is evident that the orders have been passed based on the undertaking of the learned counsel for the petitioner/respondent when the writ petition was disposed.

6. Ultimately, the benefit if any flowing from the order dated 08.09.2021 will be available only to the person at whose behest the writ petition was filed i.e., Smt.P.Amirthavalli, wife of Late Shri.P.Paramasivam deceased employee of the petitioner/respondent.



W.M.P.No.3162 of 2022

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7. The fruits of the order has to go to the family members of the deceased employee namely Late Shri.P.Paramasivam. Therefore, I do not wish to entertain this review petition on the ground of technicalities. Suffice to state that if any amounts are due and payable to the beneficiaries i.e., Smt.P.Amirthavalli, the petitioner/respondent shall pay the same by implementing the order dated 08.09.2021 passed in W.P.No.18915 of 2021, both in letter and in spirit. The complaint that the petitioner/respondent that respondent/petitioner, a Transport Corporation Retired Officer Welfare Association has no *locus standi* to espouse the cause of the petitioner/respondent's retired employees of the Transport Department or their family members is left open to be decided and settled in appropriate case later.

8. In the light of the above, this Writ Miscellaneous Petition is closed.

04.07.2022
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