



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.22329 of 2010
and
M.P.No.1 of 2012

The Management of Metropolitan
Transport Corporation Ltd.,
Pallavan House,
Pallavan Salai,
Chennai - 600 002.

...Petitioner

-Vs-

1.Thiru.N.B.Manoharan (Deceased)

2.The Presiding Officer,
I Additional Labour Court,
Chennai - 600 104.

3.Megala

4.M.Senthil Kumaran

5.M.Elangovan

6.Kanimozhi
(R3 to R6 substituted as LR's of deceased
first respondent vide order dated 01.03.2022
in WMP.No.24379/2021 in WP.No.22329/
2010)

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records pertaining to the Award dated 31.03.2010 made in I.D.No.240 of 1998 on the file of the 2nd respondent herein and quash the same.



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For Petitioner : Mr.M.Chidambaram

For R1 : Died

For R2 : Court

For R3 to R6 : Mr.J.Ashok

ORDER

Heard Mr.M.Chidambaram, learned counsel for the petitioner and Mr.J.Ashok, learned counsel appearing for the respondents 3 to 6.

2. In the Award passed in I.D.No.240 of 1998, the termination order against the employee, namely, Thiru.N.B.Manoharan, was set aside and consequently, he was directed to be reinstated back into service, together with continuity of service, back wages and other attendant benefits. The claim for regularization of services, however, was rejected.

3. In the present writ petition filed by the management challenging the Award dated 31.03.2010, the employee, namely, Thiru.N.B.Manoharan, expired on 12.11.2019 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 N.B.Manoharan, in accordance with the Award passed by the I Additional Labour Court, Chennai in I.D.No.240 of 1998, dated 31.03.2010, 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 allowed. No costs. Consequently, connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

hvk
To

1.The Management of Metropolitan
Transport Corporation Ltd.,
Pallavan House,
Pallavan Salai,
Chennai - 600 002.

2.The Presiding Officer,
I Additional Labour Court,
Chennai - 600 104.

+1cc to Mr.M.Chidambaram, Advocate Sr.14915
+1cc to Mr.J.Ashok, Advocate Sr.14991

W.P.No.22329 of 2010

sv[co]
srg 18/03/2022