



WEB COPY



W.P.No.7983 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7983 of 2019

and

W.M.P.No.8581 of 2019

The Management,
Metropolitan Transport Corporation,
(Chennai) Ltd.,
Pallavan Salai,
Chennai – 600 002.

...Petitioner

Vs.

1.The Special Deputy Commissioner of Labour,
D.M.S. Complex, IV Floor,
Teynampet, Anna Salai,
Chennai – 600 006.

2.Thiru.Mahalingam (Died)

3.M.Kalavathi

4.M.Magesh

5.M.Suresh Kumar

6.Uma Mageswari

(R3 to R6 substituted as LR's of deceased
second respondent vide order dated 01.04.2022
made in W.M.P.No.20607/2020 in
W.P.No.7983/2019)

..Respondents



W.P.No.7983 of 2019

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the order passed in A.P.No.547 of 2011 dated 24.07.2017 on the files of the first respondent and quash the same.

For Petitioner : Mr.R.Ramanlal
Additional Advocate General
Assisted by Mr.M.Chidambaram

For R1 : Mr.P.Kumaresan
Additional Advocate General
Assisted by
Mr.S.John J.Rajasingh
Additional Government Pleader

For R2 : Deceased

For R3 to R6 : Mr.S.T.Varadarajulu

ORDER

The order passed by the 1st respondent in Approval Petition No.547 of 2011 dated 24.07.2017 is sought to be quashed in the present writ petition.

2. The learned Additional Advocate General appearing on behalf of the writ petitioner and the learned counsel appearing on behalf of the respondents 3 to 6 brought to the notice of this Court that the workman died.



W.P.No.7983 of 2019

WEB COPY

3. In respect of the cases, where the punishment of removal from service was imposed on the proved allegation of unauthorized absence, the terminal benefits are to be settled in favour of the legal heirs of the deceased workman. In this regard, the Government Letter No.5370/C2/2021 dated 24.07.2021 reads as under:

“(iii) In respect of Ex-employees who expired during litigation, to proceed to settle the eligible death cum retirement benefits to the legal heirs of the deceased workman (up to the date of death or date of retirement whichever is earlier) by treating the non-employment period as “No Work No Pay” and also the Legal heirs shall not claim for appointment under compassionate grounds.”

4. In view of the Government decision in the matter of settling the eligible death cum retirement benefits to the legal heirs of the deceased workman, the writ petitioner is directed to settle the eligible benefits to the legal heirs of the deceased workman within a period of twelve (12) weeks from the date of receipt of a copy of this order.



W.P.No.7983 of 2019

WEB COPY 5. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

25.11.2022

Index : Yes
Speaking order: Yes
kak

To

The Special Deputy Commissioner of Labour,
D.M.S. Complex, IV Floor,
Teynampet, Anna Salai,
Chennai – 600 006.



WEB COPY



W.P.No.7983 of 2019

S.M.SUBRAMANIAM, J.

kak

W.P.No.7983 of 2019

25.11.2022