



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.20926 of 2017

and

W.M.P Nos.21811 of 2017 and 11427 of 2019

The Management
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan Illam, Anna Salai
Chennai-600 002.

... Petitioner

-Vs-

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

Thiru.Janardhanam (deceased)

2. J.Vasanthi

3. Uma

4. Pavithra

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records pertaining to the order passed in A.P No.428 of 2011 dated 26.12.2016 on the file of the 1st respondent herein and quash the same.

For Petitioner : Mr.M.Chidambaram

For Respondents : Mr.C.Selvaraj for R1
Additional Government Pleader
Mr.Malaikannu for R2 to R4

ORDER

With the consent of both the parties, this writ petition is taken up for final disposal.



2. In the present case, one Janardhanam was terminated from services on 03.11.2011 based on charges of unauthorized absence. It is now brought to the notice of this Court that the said Janardhanam died on 13.11.2011. As such, by applying Clause 2 (iii) in the Letter No.5307/C2/2021, dated 24.07.2021 issued by the Additional Chief Secretary to Government, Transport (C.2) Department, the legal heirs of a deceased workman would be entitled to the death cum retirement benefits, by treating the non-employment period of the deceased workman as "No Work No Pay". The relevant clause is extracted hereunder:-

"2. There were 283 cases, except TNSTC (MDU), placed before the Board for discussion. After detailed deliberations, the following decisions were taken:-

....

(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 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."

3. In this background, there shall be a direction to the petitioner-Corporation to disburse the death cum retirement benefits to the respondents 2 to 4 herein, who are the legal heirs of the deceased employee, namely late Janardhanam, as expeditiously as possible, in any event, within a period of 8 weeks from the date of receipt of a copy of this order.

4. The Writ Petition stands disposed of, accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (Digit)

//True Copy//

Sub Assistant Registrar

vkrr



To

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

+1cc to Mr.K.Malaikannu, Advocate, S.R.No.4989

+1cc to Mr.M.Chidambaram, Advocate, S.R.No.5277

W.P.No.20926 of 2017
and
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and
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MT (CO)
SU(18/02/2022)