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W.P.Nos.30684 & 30685 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.30684 & 30685 of 2017

and

W.M.P.Nos.33597 & 33598 of 2017

W.P.No.30684 of 2017:

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.

K.Murugan (Deceased)

2.Mrs.M.Rani

3.M.Perumal

4.M.Selvi

5.M.Kumar

6.M.Sakthivel

7.M.Anjala

(R2 to R7 are LR's of the deceased K.Murugan)

..Respondents



W.P.Nos.30684 & 30685 of 2017

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.62 of 2014 dated 24.04.2017 on the files of the 1st respondent herein and quash the same.

W.P.No.30685 of 2017:

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.

P.Varadarajan (Deceased)
2.Mrs.V.Chitra
3.V.Prasanth
4.V.Brindha
5.V.Shwini
6.P.Valliammal
(R2 to R6 are LR's of the deceased P.Varadarajan)

..Respondents

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



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passed in A.P.No.245 of 2012 dated 28.03.2017 on the files of the 1st respondent herein and quash the same.

For Petitioner : Mr.R.Ramanlal
(in both W.Ps) Additional Advocate General
Assisted by Mr.M.Chidambaram

For R1 : Mr.P.Kumaresan
(in both W.Ps) Additional Advocate General
Assisted by
Mr.S.John J.Rajasingh
Additional Government Pleader

For R2
(in both W.Ps) : Mr.S.T.Varadarajulu

COMMON ORDER

The orders passed by the 1st respondent in Approval Petition No.62 of 2014 dated 24.04.2017 and A.P.No.245 of 2012 dated 28.03.2017 are sought to be quashed in the present writ petitions.

2. The learned Additional Advocate General appearing on behalf of the writ petitioner and the learned counsel appearing on behalf of the respondents/workmen brought to the notice of this Court that the workman in both the writ petitions died.



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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 petitioners are directed to settle the eligible benefits to the legal heirs of the deceased workmen within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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5. With these directions, both the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

25.11.2022

Index : Yes
Speaking order: Yes
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To

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



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S.M.SUBRAMANIAM, J.

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