



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.03.2022

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.2609 of 2022

and WMP No.2312 of 2022

WEB COPY

S.Girija

... Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Byepass Road, Madurai 16
- 2.The General Manager
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region, Dindigul 4
- 3.The Administrator
Tamil Nadu State Transport Corporation Employees Pension
Fund Trust, Thiruvalluar Illam,
Pallavan Salai
Chennai 2.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records connected with the impugned order passed by the 2nd respondent in Parvai.Aatchi:B1:235 dated 08.12.2021, quash the same and consequently direct the 1st and 2nd respondents to consider the same and consequently direct the 1st and 2nd respondents to consider the claim of the petitioner for appointment on compassionate grounds to the petitioner's daughter Minidalsia and for grant of pensionary benefits including family pension in view of the death of the petitioner's husband on 06.09.2015 in terms of Rule 20 of Tamil Nadu State Transport Corporation Employees Pension Fund Trust Rules and in the light of the judgment of this Court in W.P.No.2636/2001 dated 08.06.2010 which was confirmed by the Division Bench of this Court in W.A.No.1188/2011 dated 26.11.2014 which was confirmed by the Hon'ble Supreme Court in SLA (C) No.31558/2015 dated 26.10.2016.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.J.Senthil Kumaraiah



ORDER

The issue in nutshell raised by the petitioner is that 116 bus body cleaners, who were engaged by the transport corporation on temporary basis for cleaning buses approached the labour Court through their Union and the labour Court issued directions in favour of the workmen. The matter went up to Supreme Court and thereafter the services of those workmen are to be regularised. However, the management has not passed any orders of regularisation so far. Meanwhile, the husband of the writ petitioner, who was also one among the 116 employees died in harness and this fact was also placed before the Corporation.

2. The learned counsel for the petitioner now made a submission that the husband of the petitioner is entitled for regularisation, terminal benefits and for other attendant benefits. But the fact remains that the services of those 116 bus body cleaners are not regularised by the Management so far.

3. The learned counsel for the respondent made a submission that all those persons were disengaged in the year before 1990. However, all these issues, which were adjudicated before the labour Court, deserve no further adjudication in the present writ petition. As far as the non implementation of the award passed by the labour Court, the petitioner has to approach the labour Court by way of execution petition under Section 11(B) of the Industrial Disputes Act.

4. In view of the fact that the disputed issues are involved in the matter of grant of benefits, the petitioner is at liberty to file appropriate execution application under the Industrial Disputes Act.

5. With this liberty, the writ petition stands disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Byepass Road, Madurai 16

<https://hcservices.ecourts.gov.in/hcservices/>



2.The General Manager
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region, Dindigul 4

3.The Administrator
Tamil Nadu State Transport Corporation Employees Pension
Fund Trust, Thiruvalluar Illam,
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MGJ(23.03.2022) 3P 4C