



W.P.No.1879 of 2013

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.1879 of 2013

1. C.Thomson (Deceased)
2. Parthima Merry
3.Quency
4. Andony Appealson
5. Minor Little Joy
(Minor P5 represented by her mother
Parthima Merry)
(P2 to P5 are substituted as LR's of
the deceased P1 vide order dated
04.06.2019 made in M.P.No.1 of 2015
in W.P.No.1879 of 2013)

... Petitioners

Vs

1. The Presiding Officer,
Principal Labour Court,
Chennai – 600 104.

2. The Management,
State Express Transport Corporation
(Tamil Nadu) Limited,
(Previously Thiruvalluvar Transport
Corporation Limited),
Pallavan Salai, Chennai – 600 002.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing the 2nd respondent to reinstate the petitioner into service with all benefits pursuant to the Award of the 1st respondent, dated 09.05.1996 passed in I.D.No.208 of 1991.

For Petitioner	:	Mr.R.Munuswamy
For R1	:	Court
For R2	:	Mr.L.S.M.Hasson Fizal Spl.Standing Counsel

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus directing the 2nd respondent to reinstate the petitioner into service with all benefits pursuant to the Award of the 1st respondent, dated 09.05.1996 passed in I.D.No.208 of 1991.

2. Heard the learned counsel appearing for the petitioners and the learned Special Standing Counsel appearing for the second respondent and perused the materials available on record.

3. Now, the petitioner died and as such, the petitioners 2 to 5 have been substituted as legal representatives of the deceased petitioner. The deceased petitioner, while he was working as a driver in



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the second respondent Corporation, met with an accident on 08.04.1989 near Villupuram. Therefore, the passengers, who were travelled in the bus, sustained injuries. Therefore, FIR was registered as against the deceased petitioner. Pursuant to the registration of FIR, the deceased petitioner was suspended from service on 09.08.1989. Thereafter, a charge memo was issued to him and an enquiry was conducted. In the enquiry, all the charges found proved and he was terminated from the service with effect from 19.05.1990. It was challenged by the deceased petitioner and he raised an Industrial Dispute in I.D.No.208 of 1991 before the 1st respondent and the order of termination was set aside vide Award dated 09.05.1996. The second respondent was directed to reinstate the deceased petitioner into service with continuity of service with full back wages together with all other attendant benefits. Aggrieved by the same, the second respondent preferred writ petition before this Court in W.P.No.15581 of 1997 and also obtained interim order of stay on certain conditions. However, the second respondent did not comply with any condition imposed by this Court and finally the main Writ Petition itself was dismissed for default by this Court, by an



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order dated 27.04.2004. Therefore, the Award passed by the Labour Court became final. Even then, the second respondent did not comply with the Award passed by the Labour Court and as such, the deceased petitioner filed this Writ Petition to execute the Award passed by the Labour Court. Unfortunately, pending writ petition, he died and the petitioners 2 to 5 have been substituted as his legal representatives.

4. The learned counsel appearing for the second respondent would submit that because of change of counsel, no one has filed vakalat for the second respondent and as such, the writ petition was dismissed for default. Though the new counsel filed vakalat for the writ petition in WMP.SR.No.66772 of 2004, it was not numbered and the second respondent failed to restore the writ petition, which was already dismissed for default. Therefore, the second respondent could not comply with the Award passed by the Labour Court. Since, the deceased petitioner died and as such, the question of reinstatement does not arise. Insofar as the other benefits, viz., back wages, termination benefits and other attendant benefits including the family pension, the substituted



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petitioners are entitled for the same.

5. In view of the above submission made by the learned counsel for the second respondent, this Writ Petition stands allowed. The second respondent is directed to comply the Award passed by the Labour Court in I.D.No.208 of 1991 dated 09.05.1996, forthwith. There shall be no order as to costs.

04.07.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
Lpp

To

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2. The Management,
State Express Transport Corporation
(Tamil Nadu) Limited,
(Previously Thiruvalluvar Transport
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G.K.ILANTHIRAIYAN, J.



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