



W.P.No.35752 of 2016
and
W.M.P.No.30714 of 2016

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.01.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.35752 of 2016
and
W.M.P.No.30714 of 2016

The Management,
State Express Transport Corporation Tamil Nadu Limited,
Pallavan Salai,
Chennai-2,
Represented by its General Manager .. Petitioner

/versus/

1.Thiru.R.Rajendran (deceased)
2.The Special Deputy Commissioner of Labour (Conciliation),
DMS Compound,
Chennai.
3.Samburnam
4.Anubumani
5.R.Mohandoss
6.R.Mohana
7.R.Mohanraj
(R3 to R7 substituted as LR's of deceased
first respondent vide order dated 23.01.2023
made in W.M.P.No.19430/2022 in
W.P.No.35752 of 2016 by MSRJ) .. 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 passed by the 2nd respondent in A.P.No.337/2013 dated 09.05.2016 and to quash the same.



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For Petitioner :Mr.L.S.M.Hasan Fizal

For Respondents :Mr.S.T.Varadarajulu for R1

Mr.T.M.Rajangam
Government Advocate for R2

ORDER

Heard Mr.L.S.M.Hasan Fizal, learned counsel for the petitioner and Mr.S.T.Varadarajulu, learned counsel appearing for the first respondent and Mr.T.M.Rajangam, learned Government Advocate appearing for the second respondent.

2. The order of the second respondent refusing to approve the order of termination passed by the petitioner-Management on 04.12.2013 against the employee namely, R.Rajendran is under challenge in this writ petition by the petitioner-Management.

3. In the present writ petition filed by the petitioner-Management challenging the order of the second respondent dated 09.05.2016 in



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A.P.No.337 of 2013, the employee, namely, R.Rajendran expired and his legal heirs were substituted as respondents 3 to 7 herein.

4. The Government of Tamil Nadu, Transport (C2) Department, in its letter No.5370/C2/2021, dated 24.07.2021, had held that, in respect of the employees, who expired during litigation, the eligible death-cum-retirement benefits should be settled to the legal heirs of the workman upto the date of death or the date of retirement whichever is earlier, by treating the non-employment period as "No Work No Pay" and the legal heirs will not be entitled for claiming compassionate appointment.

5. In view of the decision taken by the Government of Tamil Nadu in its letter dated 24.07.2021, the legal heirs of the deceased employee would be entitled for the death-cum-retirement benefits in accordance with the order passed by the second respondent in A.P.No.337 of 2013, dated 09.05.2016.



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6. Accordingly, there shall be a direction to the petitioner herein to pass appropriate orders, releasing the death-cum-retirement benefits to the legal heirs of late R.Rajendran, in accordance with A.P.No.337 of 2013 dated 09.05.2016, within a period of four (4) weeks from the date of receipt of a copy of this order. The petitioner-Management will be entitled to deduct the last drawn wages paid under Section 17B of the Industrial Disputes Act, 1947, from the death-cum-retirement benefits.

7. With the above direction, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

23.01.2023

Index:yes/no
Speaking order/non speaking order
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To:

The Special Deputy Commissioner of Labour (Conciliation),
DMS Compound,
Chennai.



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M.S.RAMESH, J.

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