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W.P.No.37967 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.37967 of 2016

and

M.P.No.32560 of 2016

The Management,
Tamil Nadu State Transport Corporation(Villupuram)Ltd.,
Thiruvanamalai
Rep.by its General Manager .. Petitioner

/versus/

1.Mr.N.Ramasamy

2.The Special Deputy Commissioner of Labour,
DMS Compound,
Chennai. .. Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records of the order passed by the 2nd respondent in Approval Petition in A.P.No.38 of 2011 dated 21.07.2014 and to quash the same as illegal.

For Petitioner :Mr.M.Aswin

For Respondents : Mr.S.T.Varadarajulu for R1
Mr.T.M.Rajangam
Government Advocate for R2



W.P.No.37967 of 2016

WEB COPY

ORDER

One Ramasamy, who was working as an Ex-Conductor of the respondent Transport Corporation, was terminated from service on 07.01.2011 on charge of unauthorised absence. The approval petition filed by the Corporation in A.P.No.38 of 2011 under Section 33(2)(b) of the Industrial Disputes Act, was rejected on 21.07.2014. Challenging the same, the present Writ Petition has been filed by the Transport Corporation.

2. The Transport Department of the Government of Tamil Nadu, in its letter No.5370/C2/2021, dated 24.07.2021, had issued instructions to the effect that as per the decision of the Board, the death-cum-retirement benefits of an employee, who expired during litigation, would be disbursed to the legal heirs, by treating the non-employment period as 'No Work No Pay' and also that the legal heirs will not be entitled for claiming appointment on compassionate grounds.

3. In view of the decision taken by the Board, as reflected in the letter of the Transport Department dated 24.07.2021, the legal heirs of the



W.P.No.37967 of 2016

deceased employee would be entitled for the death-cum-retirement benefits.

4. At this juncture, the learned counsel for the first respondent submitted that the legal heirs of the deceased employee are willing to forego the arrears of salary for the non-employment period and that they will also not claim compassionate appointment.

5. In view of the said submission, no interference is required to the impugned order passed in A.P.No.38 of 2011, dated 21.07.2014 and they would be entitled for the death-cum-retirement benefits, in accordance with the letter dated 24.07.2021 issued by the Transport Department, Government of Tamil Nadu.

6. For all the foregoing reasons, there shall be a direction to the petitioner Transport Corporation to forthwith disburse the entire death-cum-retirement benefits, including the family pension benefits to the respondents/legal heirs of late N.Ramasamy, within a period of four (4) weeks from the date of receipt of a copy of this order.



W.P.No.37967 of 2016

WEB COPY

7. In the result, this Writ Petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

31.01.2023

Speaking/Non-speaking

Index:Yes/No

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To:

The Special Deputy Commissioner of Labour,
DMS Compound,
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WEB COPY



W.P.No.37967 of 2016

M.S.RAMESH,J.

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W.P.No.37967 of 2016
and
M.P.No.32560 of 2016

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