



WP No. 5847 / 2001

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2023

CORAM :

THE HONOURABLE DR. JUSTICE D. NAGARJUN

Writ Petition No. 5847 of 2001

The Management of KTC Ltd.,
Tirunelveli now known as
Tamil Nadu State Transport Corporation
(Madurai Division II) Ltd
Tirunelveli – 627 003.

...Petitioner

Versus

1.Mr. M. Murugan (Died)

2.The Presiding Officer,
Labour Court,
Tirunelveli.

3.Shanta

4.M. Seeniammal

5.M. Saminathan

6.M. Gomathy

7.M. Muthukumar

(R3 to R7 impleaded as per order dated
12.09.2002 by EPJ in W.P.M.P. No. 50787
of 2002 in W.P. No. 5847 of 2001)

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of
India praying for the issuance of a Writ of Certiorari, to call for the



WP No. 5847 / 2001

records pertaining to the Award dated 15.09.2000 passed by the second respondent in I.D. No. 176 of 1995 and to quash the same.

For Petitioner : Mr. Ilamvaludhi.

For Respondents : R1 – Died.

R2 – Labour Court.

Ms. V. Srimathi for R3 to R7.

ORDER

This writ petition has been filed seeking for a Writ of Certiorari to set aside the order passed by the second respondent in I.D. No. 176 of 1995 dated 15.09.2000.

2.The averments in the affidavit in brief are that the first respondent worked as a Conductor in Tamil Nadu State Transport Corporation / petitioner. He has given a representation dated 28.09.1993 requesting the petitioner Corporation to give alternative employment to him as he was unable to perform his duties as Conductor. He was examined by the Medical Board on 18.10.1993 and as per the report of the Medical Board dated 20.12.1993, he was advised to avoid direct public contact. Based on the report of the Medical Board, the medical officer of the petitioner Corporation has examined him again and given a



WP No. 5847 / 2001

certificate dated 17.11.1994 stating that the first respondent is not fit for conductor duty.

3. On the basis of the report of the Medical Board and the certificate issued by the Medical Officer, the petitioner Corporation issued a letter dated 29.11.1994 to the first respondent asking him as to why he should not be discharged from service of the petitioner corporation, for which explanation was submitted by the first respondent. However, having found that the said explanation was not satisfactory, the first respondent was discharged from petitioner Corporation as per the proceedings dated 21.12.1994, and he was asked to settle his accounts and then apply for alternative employment.

4. The first respondent filed an application before Presiding officer, Labour Court, Tirunelveli and after full fledged enquiry, the impugned award was passed directing the petitioner corporation to provide alternative employment to the first respondent and the back wages. Aggrieved by the same, the petitioner corporation has preferred this writ petition.



WP No. 5847 / 2001

5. Heard the learned counsel appearing on either sides and perused the records.

6. It is submitted by the learned counsel for the first respondent that as per the direction of the Labour Court, the petitioner Corporation has deposited half of the amount out of Rs.2,50,000/-. It is further submitted by the learned counsel for the first respondent that since the first respondent is no more, if the petitioner corporation is directed to deposit rest of the amount with an observation that the legal heirs of the first respondent are permitted to withdraw the same, it will meet the ends of justice. It is also further submitted that the legal heirs would file an application before the petitioner corporation for terminal benefits if any and thereby a direction is sought to dispose of the same.

7. In view of the submissions made, while recording the death of the first respondent, this Writ Petition is disposed of directing the petitioner to deposit balance amount as directed by the Labour Court to the credit of I.D. No. 176 of 1995 and on such deposit, the legal heirs of the first respondent are permitted to withdraw the entire amount and if the legal heirs of the first respondent files an application before the



WP No. 5847 / 2001

petitioner corporation, the petitioner Corporation shall dispose of the same as quickly as possible, as per the procedure established under law.

No costs.

11.10.2023

ay

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To

The Presiding Officer,
Labour Court,
Tirunelveli.



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WP No. 5847 / 2001

DR. D. NAGARJUN, J

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