



W.P. No. 24427 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 24427 of 2021

T.Umamaheswari

... Petitioner

-VS-

1. The Government of Tamil Nadu
Rep. by Secretary to Government
Transport Department
Fort St. George, Chennai – 600 009.

2. The Managing Director
Tamil Nadu State Transport Corporation Ltd.
Villupuram.

3. The General Manager
Tamil Nadu State Transport Corporation Ltd.
Villupuram.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to settle the Terminal benefits of the deceased employee Srinivasan Emp. No. Cr.2463 to the Petitioner based on the order passed in Approval Petition No. 135 of 2012 dated 23.12.2019 on the file of Labour Commissioner, Chennai.

For Petitioner : Mr. M.Selvam

For Respondents : Mrs. R.Anitha
Special Government Pleader (R1)

Mr. R.Venkatesh Perumal (R2 & R3)



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ORDER

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Heard Mr. M.Selvam, Learned Counsel for the Petitioner and Mrs. R.Anitha, Learned Special Government Pleader appearing for the First Respondent and Mr. R.Venkatesh Perumal, Learned Counsel for the Second and Third Respondents and perused the materials placed on record apart from the pleadings of the parties.

2. The husband of the Petitioner, viz., Srinivasan, who was employed as Senior Conductor in the Transport Corporation of the Second Respondent had been dismissed from service on 30.03.2012 by proceedings in Ka.Ku.No.446/5776/T6/TNSTC/2011 dated 30.03.2012 on the charge of unauthorized absence from duty. Since conciliation proceedings relating to an industrial dispute between the Transport Corporation of the Second Respondent and the Trade Union in which the said Srinivasan was a member was then pending before the Special Deputy Commissioner of Labour, Chennai, the Second Respondent had made an application under Section 33(2)(b) of the Industrial Disputes Act, 1947 for approval of termination, but it was rejected by order dated 23.12.2019 in A.P. No. 135 of 2012. However the said Srinivasan had died in the interregnum on 02.04.2012 and the Board of Management of



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the Second Respondent by Resolution No.226 dated 30.09.2022 had decided to settle his eligible terminal benefits to his legal heirs by treating him to have continued to be in service till his demise.

3. While matters stood as narrated supra, the Petitioner had made a representation dated 27.12.2012 for payment of the terminal benefits of the said Srinivasan, but as it did not evoke any response, she has filed this Writ Petition.

4. Having regard to the limited scope of the relief sought in the Writ Petition, this Court without expressing any view on the merits of controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 27.12.2012 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents are necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal



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hearing to the Petitioner and all other persons concerned to explain their

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- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 30.09.2023 under written acknowledgment;
- (v) if the Petitioner is found entitled to any monetary benefits, the same shall be paid along with working-sheet showing its calculation within a period of three months from the date of passing of that order; and
- (vi) the report of such compliance shall be filed before the Registrar (Judicial) of this Court.

In the result, the Writ Petition is disposed on the aforesaid terms.

No costs.

16.03.2023

Maya

Index: Yes/No

NCS: Yes/No

Note: Issue order copy by 14.08.2023.



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To

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Transport Department
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P.D. AUDIKESAVALU, J.

Maya

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