



W.P.(MD).Nos.18227 & 19903 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated :21.04.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).Nos.18227 & 19903 of 2015

and

M.P.(MD).Nos.1, 1 & 2 of 2015

W.P.(MD).No.18227 of 2015

1.Executive Director,

Tamil Nadu State Transport Corporation Ltd.,

Bye-Pass Road, Madurai 625010.

2.The General Manager,

Tamil Nadu State Transport Corporation Ltd.,

Bye-Pass Road, Dindigul 624 004.

... Petitioners

Vs.

1.The Presiding Officer,

Labour Court, District Court Building,

Madurai 625 020.

2.K.Raguraman

... Respondents



W.P.(MD).Nos.18227 & 19903 of 2015

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a writ of Certiorari calling for the records on the file of the first respondent in I.D.No.24 of 2013 dated 07.05.2014, quash the same.

For Petitioner : Mr.J.Senthil Kumaraiah

For Respondents : Mr.T.Indrachithu for R2
Labour Court for R1

W.P.(MD).No.19903 of 2015

1.K.Raguraman (died)

2.Susila

... Petitioners

(P2 is substituted for the deceased sole petitioner vide Court order dated 26.03.2019 in W.M.P.(MD).No.5160 of 2019)

Vs.

1.The Managing Director,
Tamil Nadu Transport Corporation Ltd.,
Bye Pass Road,
Madurai-10.

2.The General Manager,
Tamil Nadu Transport Corporation Ltd.,
Bye Pass Road, Dindigul.



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3. The Presiding Officer,

Labour Court,

Madurai.

... Respondents

(Cause title amended vide Court order dated 03.11.2015 in M.P.(MD).No.2 of 2015)

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records relating to the order passed by the third respondent dated 07.05.2014 and made in I.D.No.24 of 2013 quash the same in so far as the portion relating to the Back Wages for the period from 09.08.2000 to 02.02.202 and to direct the first and second respondents to reinstate the petitioner as Driver in the first respondent Corporation with back wages for the period from 09.08.2000 to 02.02.2012 and other benefits.

For Petitioner : Mr.T.Indrachithu

For Respondents : Mr.J.Senthil Kumaraiah for R1 & R2

Labour Court for R3

COMMON ORDER

The writ petition in W.P.(MD)No.18827 of 2015 is filed by the Transport Corporation challenging the ID award dated 07.05.2014 in I.D.No.24 of 2013. The writ petition in W.P.(MD)No.19903 of 2015 is filed by the employee K.Raguraman challenging the same award, wherein the award had declined backwages. Hence both writ petitions are taken up together for hearing and a common order is passed.



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3. The employee has filed writ petition in W.P.(MD)No.19903 of 2015 inter alia praying to quash the proceedings in I.D.No.24 of 2013 dated 07.05.2014 in so far as that portion relating to backwages for the period from 09.08.2000 to 02.02.2012 and to direct the Transport Corporation to reinstate the employee as Driver with backwages for the period from 09.08.2000 to 02.02.2012 and other benefits.

4. The deceased employee has not filed any petition under section 17 B of the Act claiming wages and the deceased did not receive any wages during the pendency of this writ petition.

5. Pending this writ petition, on 23.10.2018 the employee died. The wife of the deceased employee had filed a petition to substitute herself in W.P. (MD)No. 19903 of 2015 and the said legal heir petition was allowed and necessary amendment was also carried out in the said writ petition. However, the wife of the employee had not filed any petition to substitute herself in the writ petition filed by the management. Even the management had not filed any petition to substitute the legal heirs of the deceased employee.



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6. After hearing the argument and after perusing the records, it is seen that the employee had joined the service on 05.09.1998 and has committed an accident on 10.05.1999. Generally, the management would impose lesser punishment if the accident is committed for the first time. In the present case, the management has imposed the punishment of dismissal from service, which is against the rules and regulations. The second contention raised by the management is that the employee has filed the petition before the Labour Court after the lapse of 12 years and the same is hit by delay and laches. However, the said contention was rejected by the Labour Court. Since the employee died, this Court is not inclined to entertain the plea of the management on the basis of the delay at this stage.

7. It is seen that the deceased employee would attain superannuation in the year 2029 and hence the deceased employee may not be entitled to salary for the period until superannuation. The deceased may not be entitled to salary on the principle of no work no pay. However, the legal heirs are entitled to terminal benefits. And to meet the ends of justice, this Court is inclined to calculate the period service from 05.09.1998 (from the date of joining the service) to 07.05.2014 (the date of the award passed by the Labour Court). For the said period, the legal heirs are entitled to get terminal benefits of the deceased



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employee and the same shall be disbursed to the legal heirs within a period of 12 weeks from the date of receipt of a copy of this order.

8. With this above observation, these writ petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

21.04.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

sbm

To

1.The Managing Director,
Tamil Nadu Transport Corporation Ltd.,
Bye Pass Road,
Madurai-10.

2.The General Manager,
Tamil Nadu Transport Corporation Ltd.,
Bye Pass Road, Dindigul.

3.The Presiding Officer,
Labour Court,
Madurai.



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S.SRIMATHY, J.

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