



W.A.No. 375 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2024

CORAM

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR.JUSTICE K. KUMARESH BABU**

W.A.No. 375 of 2023

K.Alagesan (Deceased)

1. A.Amudha
2. A.Sampath Kumar
- 3.A.Devi
4. A.Gomathi

..Appellants

Vs

1.The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Salai,
Chennai-600002.

2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvallur House, Pallavan Salai,
Chennai-600002.

..Respondents

Prayer: Writ Appeal is filed under Clause 15 of Letter Patent to set aside the order made in W.P.No. 2919 of 2016, dated 04.11.2022 and allow the writ appeal.



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For Appellants : M/s.M.D.Leelavathi
For Respondents : Mr.C.Gauthamaraj, Stading Counsel -R1
No Appearance - R2

J U D G M E N T

(Judgment of the Court was made by D.KRISHNAKUMAR, J.)

The prayer sought for in the writ appeal is to set aside the order of this Court made in W.P.No. 2919 of 2016, dated 04.11.2022.

2. The case of the appellants is that the appellant's father, namely K. Alagesan, joined the respondent corporation in 1978. Due to his ill health, he took leave, for which the respondent issued a charge memo and called for an explanation. Though the said Alagesan submitted his explanation along with medical records, the respondent corporation, without referring him to the Medical Board or conducting any enquiry, terminated him from service by order dated 12.03.2008. Aggrieved by the same, Alagesan filed a case before the Labour Court in I.D. No. 513 of 2010, which ended in his favor by awarding Rs. 5,00,000/- as compensation, observing that the removal of the petitioner from service was against the principles of natural justice. Even though the respondent corporation paid the said compensation, they did not



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grant any retirement benefits, and subsequently, K. Alagesan died.

Thereafter, the appellants herein/legal heirs of the deceased filed a writ petition before this Court in W.P. No. 2919 of 2016. This Court, by order dated 04.11.2022, disposed of the said writ petition. Aggrieved by the same, the present writ appeal has been filed.

3. According to the appellants/legal heirs of the deceased K. Alagesan, the respondents have terminated his father from the service by order dated 12.03.2008 without any enquiry. In the case filed by the deceased father in I.D.No. 513 of 2010, the labour Court by order dated 07.09.2012, has held as follows;

“21. Therefore the termination of service by the respondent management without giving any opportunity to the petitioner to explain his case or conducted domestic enquiry against the charge of misconduct is illegal and is against the principle of section 25F of the I.D Act. It is an admitted fact that the petitioner had worked in the respondent management from 13.02.1978 to 22.03.2008. So he has completed 30 years of service and his age is 55. He has not stated his last drawn pay either in the claim petition or in the proof affidavit. So considering the service and also the various circumstances of



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the case, this Court is of the considered opinion that the punishment awarded to the petitioner by way of removal from service is against the principle of natural justice and also section 25F of the I.D Act 1947. However in lieu of reinstatement in service the respondent management is directed to give a compensation of Rs.5,00,000/- to the petitioner. Thus point No 1 and 2 answered accordingly.

22.Point No.3: In the result, award is passed, directing the respondent management to pay a sum of Rs.5,00,000/- as compensation to the petitioner within 8 weeks in lieu of reinstatement in service. No costs”

4. Pursuant to the aforesaid directions of the Labour Court, the respondent corporation paid compensation after deducting the Provident Fund amount. Subsequently, the deceased K. Alagesan made a representation dated 30.11.2015 to the respondent corporation for the payment of retirement and pensionary benefits. Since no action has been taken by the respondents on the said representation, the appellants have filed a writ petition seeking directions to the respondent corporation to grant monetary benefits and pensionary benefits in respect of service rendered by his deceased father. The writ court, by order dated 04.11.2022, directed the respondents to



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ascertain his eligibility and take necessary steps to grant other service benefits. It further directed that if the petitioner has any other grievance in respect of other service benefits, he has to approach the Labour Court in the manner known to law.

5. Considering the fact that the representation of the appellants requesting monetary and pensionary benefits is still pending without any action by the respondent corporation for more than nine years, We are of the view that it would be appropriate to direct the respondent corporation to pass orders on the said representation, within a time frame as fixed by this Court.

6. Accordingly, the respondent corporation is directed to consider the claim made by the appellants and pass orders on merits and in accordance with the law within a period of twelve weeks from the date of receipt of a copy of this judgment. The appellants shall produce a copy of the said representation along with a copy of this judgment to the respondent corporation. Since the representation of the appellants has been pending for more than nine years, and the appellants are the legal heirs of the deceased government employee, they are entitled to the statutory right of interest for the amount. If any rejection is made on the claim, it is open to the appellants



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to approach the appropriate forum in the manner known to law.

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7. With the above observations and directions, the writ appeal stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

(D.K.K., J.) (K.B., J.)
01.07.2024

Index: Yes / No
Internet: Yes
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To
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