



WEB COPY

W.P.No.4416 of 2020



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.4416 of 2020

P.Dhanavalli

...

Petitioner

versus

1.Oil and Natural Gas Corporation Ltd.,
Cavery Asset, Neravy Complex,
Pondicherry.

2.The Asset Manager,
ONGC Ltd. Cavery Asset,
Neravy, Karaikal - 609 601.

3.The Chief Manager (HR) I/C HRD
ONGC Ltd. Cavery Asset,
Neravy, Karaikal.

4.The General Manager,
ONGC Ltd. Cavery Asset,
Neravy, Karaikal.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents herein to pay arrears of amount of Rs.1,00,00,000/- along with compensation and the job in the office of respondent to one of the legal heirs of R.Pandian pursuant to the petitioner representation dated 15.09.2019.



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W.P.No.4416 of 2017



For Petitioner : Mr.A.E.Lakshminarayanan

For Respondents : Mr.P.N.Radhakrishnan

ORDER

Heard Mr.A.E.Lakshminarayanan, learned counsel for the petitioner and Mr.P.N.Radhakrishnan, learned counsel for the respondents and perused the materials available on record.

2. The petitioner, who is the wife of the deceased Pandian had raised Industrial Dispute Petition in I.D.No.66 of 1991 before the Industrial Tribunal, Chennai, for regularising the workmen involved in this petition and in which, an award has been passed by directing the Management to regularise the workmen w.e.f. 14.01.1990. Before the regularisation was made in respect of the petitioner's husband he died and hence, the petitioner, who is the wife of the deceased Pandian has filed this Writ Petition seeking direction to the respondents to pay arrears of Rs.1,00,00,000/- along with compensation and also for compassionate appointment.



3. Mr.P.N.Radhakrishnan, learned counsel for the respondents submitted that the petitioner's husband, who was actually arrested on 01.02.1998 before the award was passed and hence, he was kept under suspension. Subsequently, after the award was passed, the backwages have been paid as per the orders of this Court. However, he could not be reinstated in view of the fact that he was terminated.

4. Mr.A.E.Lakshminarayanan, learned counsel for the petitioner submitted that the petitioner's husband Pandian is very much a party to I.D.No.66 of 1991. Subsequent to the investigation in the criminal case filed against Pandian, it was found that he was arrested on "*mistaken identity*". In such case, the petitioner's husband should also be treated on par with the other persons for whom the reinstatement and other service benefits have been granted.

5. Admittedly, the representation has been given by the petitioner 2 years after the demise of her husband Pandian and 12 years after the order of dismissal of his service. It is correct that the petitioner's husband, who was given with a clearance report by the Investigating Officer that he was



arrested on "*mistaken identity*". Immediately, thereafter he ought to have approached the respondents immediately for reinstatement. But he did not take any action during his life time and after 2 years of his demise, the petitioner, who is the wife of the deceased Pandian has filed this petition seeking the benefit of I.D.No.66 of 1991 to be extended to her husband and thereafter, settle the retirement benefits to her.

6. Even as per the submission of Mr.A.E.Lakshminarayanan, learned counsel for the petitioner, the Inspector of Police, Koothanallur, has given a Certificate on 29.12.1999 on which date the petitioner's husband Pandian was very much alive. Had he been serious of getting reinstatement, he could have given a representation or initiated some action to get reinstated and served with the respondents' Organisation. But the petitioner's husband remained silent until his death. In the pending criminal case also, a clearance report has been given to Pandian.

7. After several years and subsequent to his death, the petitioner's wife has filed this petition by stating that the petitioner's husband has got a right for reinstatement. The right to get reinstated can not be exercised for a



person who is no more. When the right to get reinstated itself lost and abated due to the death of the petitioner's husband, no consequential rights as claimed by the petitioner can be granted on the imagination that the petitioner's husband got reinstated. If the petitioner's husband was alive, it is doubtful whether he himself would have claimed reinstatement. Because he did not evince interest though he lived several years after his termination.

In view of the above stated reasons, this Writ Petition is **dismissed**.

No costs.

26.02.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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R.N.MANJULA, J.

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