



W.P.No.26661 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.26661 of 2021

P.Shyamala

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Villupuram (TNSTC (VPM)),
Villupuram District.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram Division III), Limited,
Kancheepuram Region, Kancheepuram.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to disburse all the monetary benefits i.e., Wages, Provident Fund, Gratuity, Leave Salary, Pension and other amounts payable by the respondents to the petitioner on the basis of her representation dated 11.11.2021 within a time frame stipulated by this Court.

For Petitioner : Mr.P.Dinesh Kumar

For Respondents : Mr.T.Chandrasekaran



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ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the respondents to disburse all the monetary benefits i.e., Wages, Provident Fund, Gratuity, Leave Salary, Pension and other amounts payable by the respondents to the petitioner on the basis of her representation dated 11.11.2021 within a time frame stipulated by this Court.

2. Heard Mr.P.Dinesh Kumar, learned counsel for the petitioner and Mr.T.Chandrasekaran, learned counsel for the respondents.

3. The petitioner's husband late Vijayakumar worked as a Senior Assistant Engineer with the first respondent Corporation. In pursuant to some disciplinary proceedings initiated against him while he was in service, he was imposed with the punishment of removal from service on 01.02.2011. However the order of removal was not approved by the Joint Commissioner of Labour on 26.07.2018. Hence the petitioner's husband



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gave a representation on 10.10.2020 seeking reinstatement into service.

However, the department has filed a Writ Petition in W.P.No.4840 of 2023 against the order of rejection. The said Writ Petition was also dismissed on 22.02.2023, against which, a Writ Appeal was also filed and the same was dismissed. Unfortunately the petitioner's husband died during the interregnum on 10.10.2021. Now the petitioner who is the wife of the deceased Vijayakumar has filed this Writ Petition seeking disbursal of the terminal benefits of the deceased husband Vijayakumar.

4. The learned counsel for the petitioner submitted that the petitioner has given a representation on 11.11.2021 along with the legal heir certificate. So far the same has not been considered.

5. The learned counsel for the respondents submitted that the petitioner's representation is under consideration.

6. Even though the order of removal from service has been passed the same was not approved by the Joint Commissioner of Labour and all



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those proceedings filed by the Department challenging the rejection order were also dismissed. Hence the petitioner's husband would have got reinstated into service, if he was alive. The fact remains that the order of removal from service cannot be implemented in view of approval not granted for capital punishment. So in any event, the petitioner who is the legal heir of the deceased Vijayakumar is entitled to get all the terminal benefits and other eligible pensionary benefits due to him.

7. In view of the above stated reasons, this Writ Petition is disposed and the respondents are directed to consider the representation of the petitioner dated 11.11.2021 and pass orders in accordance with its merits and in the light of the above observations, within a period of six weeks from the date of receipt of a copy of this order. No costs.

16.02.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
gsk



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To

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R.N.MANJULA, J.

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