



W.P.No.8924 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8924 of 2021

And

W.M.P.No.9455 of 2021

The Managing Director,
Tamilnadu State Transport Corporation (VPM) Ltd.,
Vellore Region,
Villupuram Division,
Rangapuram,
Vellore.

... Petitioner

Vs.

1.R.Duraisaniammal (Deceased)

2.The Administrative Officer,
Pension Fund Trust,
No.2, Thiruvalluvar House,
Pallavan Salai,
Chennai – 600 002.

3.D.Punithavalli

4.D.Arthi

5.D.Aishwarya

(R3 to R5 are substituted as LR's of
deceased R1 as per order dated
22.04.2025 in WMP.779/2022 in
WP.8924/2021 by MDIJ)

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Certiorari to call for the records relating to the order passed by Principal Labour Court, Vellore, dated 04.01.2020 made in C.P.No.53 of 2018 and quash the same.

For Petitioner : Mr.M.Aswin

For Respondents : Mr.K.Surendran for R2
Additional Government Pleader
Mr.S.T.Varadharajalu for R3 to R5

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records relating to the order passed by Principal Labour Court, Vellore, dated 04.01.2020 made in C.P.No.53 of 2018 and quash the same.

2.The learned counsel appearing for the petitioner submitted that the husband of the deceased first respondent was appointed as driver through Employment Exchange on 23.01.1984 and he was due to retire from service on 30.04.2004 and prior to his retirement, the petitioner came to know that he joined employment on the basis of forged educational certificate and hence disciplinary proceedings was initiated against him and he was removed from service on 05.03.2004.



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Thereafter the petitioner filed approval petition in A.P.No.116 of 2004 before the Joint Commissioner of Labour, Chennai under Section 33(2)(b) of the Industrial Disputes Act and the said approval petition was dismissed on 10.04.2006.

3.The learned counsel appearing for the petitioner further submitted that aggrieved by the dismissal of the approval petition, the petitioner filed W.P.No.7256 of 2007 and this Court vide order dated 02.02.2012 dismissed the writ petition and challenging the same, the petitioner filed W.A.SR No.76542 of 2012. In the meanwhile the first respondent's husband passed away and after dismissal of W.P.No.7256 of 2007, the first respondent filed C.P.No.53 of 2018 under Section 33 C (2) of the Industrial Disputes Act seeking arrears in family pension and the Labour Court allowed C.P.No.53 of 2018 by directing the petitioner to pay a sum of Rs.8,85,526/- to the first respondent.

4.The learned counsel appearing for the petitioner further submitted that when the writ appeal challenging the dismissal of approval petition is pending, the Labour Court has no power to order



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C.P. and C.P. can be ordered only on the basis of pre existing rights.

Hence, the impugned order warrants interference. The learned counsel further submitted that pursuant to the order of this Court dated 09.04.2021 made in W.M.P.No.9455 of 2021 in W.P.No.8924 of 2021, the petitioner has already deposited a sum of Rs.5 Lakhs before the Labour Court.

5.The learned counsel appearing for the petitioner further submitted that this Court vide order dated 22.04.2025 made in W.P.No.8924 of 2021 issued direction to the petitioner Corporation to settle the entire terminal benefits to the private respondents who are the legal heirs of the deceased workman and to file a report before this Court on or before 29.04.2025 and the said order was challenged before the Hon'ble Division Bench of this Court in W.A.No.1386 of 2025 and the Hon'ble Division Bench of this Court dismissed the said writ appeal on 25.04.2025, however, the time granted by this Court was extended by a period of 12 weeks from the date of receipt of a copy of the order.

6.Heard the learned counsel appearing on either side and



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perused the materials available on record.

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7.The facts of the case is not in dispute. Admittedly, the approval petition was dismissed on 10.04.2006 and aggrieved by the dismissal of the approval petition, the petitioner filed W.P.No.7256 of 2007 and the writ petition was dismissed on 02.02.2012. In the meanwhile the first respondent's husband passed away and after dismissal of W.P.No.7256 of 2007, the first respondent filed C.P.No.53 of 2018 under Section 33 C (2) of the Industrial Disputes Act seeking arrears in family pension and the Labour Court allowed C.P.No.53 of 2018 and directed the petitioner to pay a sum of Rs.8,85,526/- to the first respondent.

8.During the pendency of this writ petition, the first respondent died and hence, the legal heirs of the first respondent are substituted as respondents 3 to 5. Since the terminal benefits were not settled to the legal heirs of the deceased workman, this Court vide order dated 22.04.2025 made in W.P.No.8924 of 2021 issued direction to the petitioner Corporation to settle the entire terminal benefits to the private respondents who are the legal heirs of the deceased workman and to file a report before this Court on or before 29.04.2025.



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However, the said order was challenged before the Hon'ble Division Bench of this Court in W.A.No.1386 of 2025 and the Hon'ble Division Bench of this Court dismissed the said writ appeal on 25.04.2025 and extended the time granted by this Court by a period of 12 weeks from the date of receipt of a copy of the order.

9.The main issue in the present writ petition is whether the order passed in C.P.No.53 of 2018 can be interfered with, however, C.P.No.53 of 2018 was filed on the basis of the dismissal of the approval petition, which was confirmed by this Court in W.P.No.7256 of 2007. Hence, there is no justifiable reason to interfere with the impugned order.

10.The petitioner has already deposited a sum of Rs.5 Lakhs before the Labour Court. Hence, the petitioner Corporation is directed to deposit the balance amount in Rs.8,85,526/- i.e., a sum of Rs.3,85,526/- and settle the entire terminal benefits due to the deceased workman, to the credit of C.P.No.53 of 2018 on the file of the Principal Labour Court, Vellore, along with 6% interest from the date of this writ petition till the date of actual payment, within the time stipulated by the Hon'ble Division Bench of this Court in W.A.No.1386



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of 2025 on 25.04.2025. On such deposit being made, the respondents 3 to 5 who are the legal heirs of the first respondent and deceased workman are permitted to withdraw the entire amount along with interest accrued thereon equally.

11.The writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

29.04.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

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Vellore.

2.The Administrative Officer,
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M.DHANDAPANI,J.
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