



W.P. No. 17126 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 17126 of 2018

1. P.Sankar (Deceased)

2. S.Santhi

3. S.Sangeetha

4. S.Vijay Bhaskar

(P2 to P4 are impleaded vide order dated
22.09.2022 in W.M.P. No. 23422 of 2022)

... Petitioners

-VS-

1. The Management of Tamil Nadu State Transport
Corporation (Villupuram) Limited
Kanchipuram Region
Bangalore High Ways, Ponnerikarai
Kanchipuram
Kanchipuram District.

2. The Administrator

Tamil Nadu State Transport Corporation Employees Pension Fund
Pallavan Salai
Chennai - 600 002.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the respondents to pay back wages from the date of dismissal to the date of superannuation and pension from April 2017 and other terminal benefits to the petitioner.

For Petitioners : Mr. S.T.Varadarajulu

For Respondents : Mr. T.Chandrasekaran, Standing Counsel

O R D E R



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Heard Mr.S.T.Varadarajulu, learned counsel for the petitioner and Mr.T.Chandrasekaran, learned Standing Counsel for the respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. In respect of disciplinary proceedings initiated against the first petitioner, he has filed this Writ Petition seeking direction to the Transport Corporation to pay back wages from the date of the dismissal till the date of the superannuation and also accord pension from April 2017 and other terminal benefits.

3. Since the first petitioner has died after the filing of the writ petition, the petitioner nos. 2 to 4 are impleaded as his legal heirs.

4. The learned counsel for the petitioners submitted that the respondents had challenged the order of rejection passed by the Assistant Commissioner of Labour in W.P. No. 15485 of 2022 and only after the same is decided, the employee's entitlement to get all other terminal benefits can be decided.

5. In another writ petition in W.P. No. 15485 of 2022, which has also come up along with this writ petition, this Court has passed a detailed order as to why the order of denial of approval to the punishment of dismissal passed by the

Assistant Commissioner of Labour is right and dismissed that writ petition. In



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such case, it goes without saying that the deceased first petitioner ought to have

continued in service and attained the age of superannuation during April 2017 and deemed to have retired from service. As nothing would prevent the respondents from supplying /paying the terminal benefits of the deceased first petitioner, it is obligatory on the part of the respondents to issue appropriate proceedings in this regard and to sanction terminal entitlements due to be paid to the deceased first petitioner. As the first petitioner has died during the pendency of the writ proceeding, I feel that the respondents should not delay the disciplinary proceedings and to pass appropriate order.

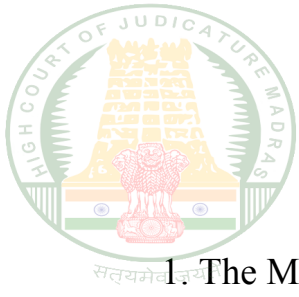
6. In view of the same, the writ petition is allowed and the respondents are directed to sanction the terminal entitlements of the deceased first petitioner to the second to fourth petitioners and his other legal heirs, if any, in accordance with law. No costs.

03.02.2025
(1/2)

Index: Yes/No
Speaking order: Yes/No
NCC: Yes/No
Maya

R.N.MANJULA, J.

Maya



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