



W.P.No.24115 of 2019 & W.P.(MD)No.20629 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.24115 of 2019 & W.P.(MD)No.20629 of 2019

and

W.M.P.No.23911 of 2019 & W.M.P.(MD)No.17256 of 2019

W.P.No.24115 of 2019

The Management,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Karaikudi Region,
Represented by its General Manager,
(Formerly known as M/s.Marudhu Pandiyar Transport
Corporation Limited, Karaikudi) ... Petitioner

Vs.

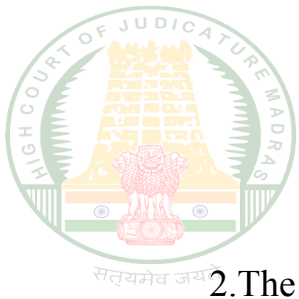
1.R.Chandra
2.P.Chilamparaja
3.P.Illakkiya
4.P.Divya ... Respondents

W.P.(MD)No.20629 of 2019

P.Chilamparasan ... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
27, Railway Station New Road,
Kumbakonam Zone,
Kumbakonam.



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2.The General Manager,
Tamil Nadu State Transport Corporation Limited,
Maruthapathy,
Managiri Road,
Karaikudi,
Sivagangai District.

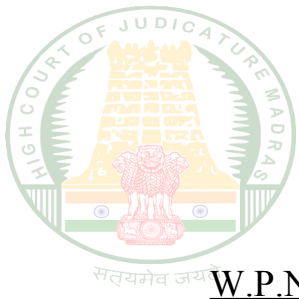
3.The Branch Manager,
Tamil Nadu State Transport Corporation Limited,
Devakottai Branch,
Devakottai,
Sivagangai District.

4.The Administrator,
TNSTC Employees Pension Fund Trust,
Pallavan House,
Anna Salai,
Chennai.

... Respondents

Prayer in W.P.No.24115 of 2019 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 30.04.2019 passed by the learned Industrial Tribunal, Chennai in Approval Petition No.120 of 1995 and quash the same, consequently direct the learned Industrial Tribunal, Chennai to approve the order of the petitioner dated 18.09.1995 dismissing the employee K.Pandian from service.

Prayer in W.P.(MD)No.20629 of 2019 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to sanction and disburse all retirement & monetary benefits of the deceased employee viz., K.Pandiyan along with arrears of salary and family pension and accrued interest thereon pursuant to the order of the Industrial Tribunal, Tamil Nadu, Chennai in Approval Petition No.120 of 1995 dated 30.04.2019, within the period that may be stipulated by this Court.



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For Petitioner : Mr.M.Murali Vinoth
Standing Counsel
For Respondents : Mr.Nambi Arooran
for M/s.Ajmal Associates

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For Petitioner : Mr.Nambi Arooran
for M/s.Ajmal Associates
For Respondents : Mr.M.Murali Vinoth
Standing Counsel

COMMON ORDER

W.P.No.24115 of 2019 is filed by the management of Tamil Nadu State Transport Corporation challenging the rejection of approval petition filed by them in A.P.No.120 of 1995 by the Industrial Tribunal, Chennai vide order dated 30.04.2019.

2. W.P.(MD)No.20629 of 2019 is filed by the legal heir of the deceased workman seeking for a mandamus, to direct the transport corporation to disburse the retirement and monetary benefits of the deceased employee.



WEB COPY 3. Since the issue evolves around the same subject, both the writ petitions are disposed of by way of this common order.

4. For the ease of convenience, the parties are referred to as 'management' and 'legal heirs of the deceased workman'.

5. The deceased employee K.Pandiyan was working as conductor. Between 08.05.1994 and 23.06.1994, he had absented himself without any prior permission. Therefore, the management sent a memo dated 23.06.1994 to his known residence and the same was returned with an endorsement 'Intimation dropped'. Thereafter, the management issued a charge memo and after conducting domestic enquiry ultimately, passed an order of dismissal against the deceased workman. The management filed an approval petition before the industrial tribunal, Chennai. During the pendency of the approval petition, the workman passed away on 20.06.2017 and his legal heirs were impleaded before the tribunal. The 1st respondent in W.P.No.24115 of 2019 is the wife of the deceased employee and she states that she was working as a constable in Tamil Nadu Police. The contention that the memo was returned because of a



wrong address is disputed. Being a member of uniformed service, wife of the deceased workman had a permanent address and she disputed the claim of the management that the memo was returned for want of proper address. The wife of the deceased workman has stated that on 07.05.1994, the deceased workman has sent a leave for 45 days on the medical ground that he was suffering from severe stomach pain due to ulcer. The tribunal on an analysis of the entire materials refused to grant approval to the management.

6. Heard the learned counsel appearing for the parties.

7. The only question to be considered is whether the learned tribunal was correct in refusing to grant of approval for terminating the deceased workman.

8. The only charge against the deceased workman was that he had absented himself between 08.05.1994 and 23.06.1994. Though the deceased workman was given minor punishment on eight occasions, they were for different minor charges. During the past period, the deceased workman was accused of absenting himself unauthorizedly. Even before



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the enquiry could begin, the deceased workman has lost his life. The tribunal has decided the case only on the basis of the documents produced by the legal heirs of the deceased workman. Ex.R.2, dated 07.05.1994 seals the issue in favour of the deceased workman. It is the copy of the medical certificate sent to the management seeking leave for the period between 08.05.1994 and 23.06.1994. On a perusal of the entire order, this Court does not find any error or illegality in the order passed by the learned tribunal.

9. Hence, the writ petition in W.P.No.24115 of 2019 is dismissed and the impugned order passed by the tribunal dated 30.04.2019 is confirmed.

10. In view of the dismissal of the writ petition in W.P.No.24115 of 2019, the Managing Director, Tamil Nadu State Transport Corporation (Kumbakonam) Limited is directed to forthwith sanction and disburse all terminal and monetary benefits of the deceased employee K.Pandiyan along with arrears of salary and family pension as per rules, to the legal heirs of the deceased employee, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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11. In the result, W.P.No.24115 of 2019 is dismissed and

W.P.(MD)No.20629 of 2019 is disposed of. No costs. Consequently, the

connected writ miscellaneous petitions are closed.

01.04.2025

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To

1.The Presiding Officer,
Industrial Tribunal,
Tamil Nadu, Chennai.

2.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
27, Railway Station New Road,
Kumbakonam Zone,
Kumbakonam.

3.The General Manager,
Tamil Nadu State Transport Corporation Limited,
Maruthapathy,
Managiri Road,
Karaikudi,
Sivagangai District.

4.The Branch Manager,
Tamil Nadu State Transport Corporation Limited,
Devakottai Branch,
Devakottai,
Sivagangai District.



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M.DHANDAPANI, J.

sp

5.The Administrator,
TNSTC Employees Pension Fund Trust,
Pallavan House, Anna Salai,
Chennai.

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