



WP.(MD)No.20619 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.11.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

WP.(MD)No.20619 of 2019
and
WMP.(MD)No.17250 of 2019

The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam)Ltd.,
Maruthupathi, Karaikudi

... Petitioner

Vs.

1.K.Paulraj (Died)
2.Vasantharani
3.Packia
4.Viniya

5.Karuppayeeammal ... Respondents
(R2 to R5 are substituted vide Court order dated 25.09.2025 in WMP.
(MD)No.11984 of 2025 in WP.(MD)No.20619 of 2019)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, to call for the records relating to the impugned order dated 14.05.2019 passed by the Labour Court, Madurai in C.P.No.31 of 2015 and quash the same.

For Petitioner : Mr.P.Balasubramanian



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For Respondent : Mr.K.S.Muthu

ORDER

The Transport Corporation has filed this writ petition as against the order passed by the Labour Court, Madurai in C.P.No.31 of 2015 dated 14.05.2019.

2.The above said claim petition was filed by the deceased first respondent, who was working as Driver in the petitioner/Transport Corporation. The said Driver has suffered with an accident on 18.02.2004, when he travelled in a private bus. Claiming disability the deceased first respondent has made an application for alternative employment. However, the same was not considered and therefore, he has filed a writ petition before this Court in WP.(MD)No.6672 of 2009 seeking a writ of Mandamus to provide him an alternative employment by considering his representation. This Court by its order dated 02.03.2010 has allowed the said writ petition by directing the Corporation to consider the



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representation of the deceased first respondent. Thereafter, he was referred to the Medical Board, on 14.07.2010. The Medical Board, by a report dated 08.03.2011 has given an opinion that the employee has suffered certain disabilities and he is not fit for driving. It appears that he was referred to the Medical Board of Sivagangai from where, he was referred to Rajaji Medical Hospital.

3.In this context, the deceased first respondent has filed a claim petition before the Labour Court, Madurai in C.P.No.31 of 2015 claiming a sum of Rs.19,21,536/- as backwages from the Transport Corporation for not providing alternative employment from the date of his representation dated 19.06.2009. The said claim petition was allowed by the Labour Court by its order dated 14.05.2019, however, the employee was died on 13.03.2019. The Transport Corporation without knowing the same, has filed this writ petition as against the deceased employee. This Court has entertained this writ petition and has granted an order of interim stay, on 25.09.2019. When this writ petition was taken up for final disposal, it was reported that the first respondent was died on 13.03.2019 itself. This



Court, by its earlier order dated 01.09.2025 has permitted the petitioner to implead the legal heirs of the deceased employee. The legal heirs of the deceased employee have also been substituted in this writ petition, by an order dated 25.09.2025. Considering this peculiar circumstances, this Court has also suggested the parties to workout their remedy before the Mediation and Conciliation Centre. However, the Transport Corporation is not inclined to any mediation.

4.The learned counsel appearing for the petitioner/Transport Corporation has raised a preliminary objection as to the maintainability of the award passed by the Labour Court dated 14.05.2019 on the claim petition filed by the employee, when he was not alive on that day and he died on 13.03.2019 itself.

5.Since the petitioner/Transport Corporation has raised a legal plea as to the maintainability of the award passed by the Labour Court on the existence of the claimant on that day, in view of the settled position of law, the award passed by the Labour Court is of nullity and it needs to be reconsidered by the Labour Court. Therefore, on this limited scope, this



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Court, without expressing any merits on the claim, refer this matter to the Labour Court. Accordingly, the order impugned in this writ petition in C.P.No.31 of 2015 dated 14.05.2019 is set aside and this Court remands the matter back to the Labour Court, Madurai for considering the issue afresh. It is open to the legal heirs of the deceased employee to file necessary application to amend the prayer. The Labour Court, Madurai is directed to complete the proceedings as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order.

6.In the result, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

11.11.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
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To
The Labour Court, Madurai.



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