



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2016

CORAM

THE HON'BLE Dr. JUSTICE S.VIMALA

W.P (MD) No.22370 of 2016

WEB COPY

R.Sekar

... Petitioner

-vs-

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam Division - I) Ltd.,
Kumbakonam - 612 001.

2.The Management
rep.by its General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam Division - I) Ltd.,
Kumbakonam - 612 001. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to provide continuity of service and all back wages and all other attendant benefits to the petitioner for the period between from 20.02.2003 to 25.04.2006 based on the petitioners representation dated 31.08.2016 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.S.Jeya Karthik
For Respondents : Mr.D.Sivaraman

O R D E R

This Writ of Mandamus has been filed seeking a direction to the respondents to provide continuity of service and all back wages and all other attendant benefits to the petitioner for the period between from 20.02.2003 to 25.04.2006, based on the representation dated 31.08.2016.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3.The petitioner who was terminated from service entered into settlement under Section 18(1) of the Industrial Disputes Act 1947, under which, settlement has been arrived at. As per the terms and conditions of the settlement, the management



has agreed to recognise the petitioner as Conductor with continuity of service, but without backwages. The second condition is that the non employment period of the petitioner will be treated as 'no work no pay'.

4. When the petitioner accepted the terms and conditions of settlement and pursuant to which, the petitioner has been reinstated, the petitioner cannot go against the terms and conditions of the settlement and ask for backwages. The claim made by the petitioner is against the terms and conditions of the settlement and therefore, the same cannot be accepted.

5. Under such circumstances, this writ petition is dismissed. No costs.

Sd/
Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Managing Director, Tamil nadu State Transport Corporation
[Kumbakonam Division-I] Ltd, Kumbakonam 612001.
2. The General Manager, Tamil nadu State Transport Corporation
[Kumbakonam Division-I] Ltd, Kumbakonam 612001.

+1cc to M/S M.S.Jeyakarthik, Advocate, SR No.72951
+1cc to M/S D.Sivaraman, Advocate SR.No. 72975
+1cc to Special Government Pleader SR.No. 72657

mj

td/db/2p/6c 10.1.2017

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