

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat- II organised by the High Court Legal Services
Committee

Thursday, the 09th day of November, 2017

LOK ADALAT AWARD

(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)

Presided by

Hon'ble Mr.JUSTICE S.Marimuthu (Retd.)
and

Members

Miss.V.Ahalya (D.J.Retd.,)
Mrs.R.Raj laksme

W.P.No.22699 of 2015

and

W.P.No.12099 of 2017

(These Writ Petitions have been filed under Article 226 of the Constitution of India, W.P.No.22699 of 2015 praying to issue a WRIT OF MANDAMUS, to direct the respondents to pay family pension and other terminal benefits to the petitioner.

&

W.P.No.12099 of 2017 praying to issue a WRIT OF CERTIORARI, to call for the records pertaining to the order passed in C.P.No.1156 of 2010 dated 17.06.2016 on the file of the 1st respondent herein and quash the same.)

W.P.No.22699 of 2015

Tmt.C.Shakila

सत्यमेव जयते

... Petitioner

Vs.

1.The Managing Director,
Metropolitan Transport Corporation,
Anna Salai, Pallavan Illam,
Chennai - 600 002.

2.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund,
Pallavan Salai, Chennai - 600002. ... Respondents

&

W.P.No.12099 of 2017

1.The Management,
Metropolitan Transport Corporation,
Rep.by its Deputy Manager of MTC,
Anna Salai, Chennai - 600 002.

... Petitioner

Vs.

1.The Presiding Officer,
II Additional Labour Court,
City Civil Court Annexure Buildings,
High Court Compound,
Chennai - 600 104.

2.Tmt.C.Sakila

3.M.Brindha

... Respondents

This case came up for settlement before Lok Adalat. The learned counsel appearing for the appellant and , learned counsel appearing for the respondents are present. After mutual discussion, negotiation, mediation and conciliation between both parties, they arrived at a compromise to settle the matter as follows:

TERMS OF SETTLEMENT

This matter is not listed today. At request it is taken up for enquiry.

1.The Writ Petition in W.P.No.22699 of 2005 has been filed by the petitioners, to direct the respondents / Management to pay family pension and other terminal benefits to the above Legal heirs of T.Murthy and to call for the records pertaining to the order passed in C.P.No.1156 of 2010 dated 17.06.2016 on the file of the 1st respondent herein.

2.This W.P.No.548 of 2009, Writ Petition has been filed by the deceased / T.Murthy a workman to join duty.

3.The fact is that T.Murthy was absent from his duty and therefore, he was dismissed by the management. Challenging the dismissal order, he has filed the above said Writ Petition in W.P.No.548 of 2009. During the course of the above said writ petition the workman/ T.Murthy died, therefore, that petition became infructuous. Hence, it was closed.

4.Further, during the course of the said above writ petition in W.P.No.548 of 2009, the workman/ T.Murthy filed a Claim petition before the Lower Court in C.P.No.1156 of 2010.

5.Pending Claim petition as said earlier, the workman/T.Murthy died. Therefore, in the claim petition his wife C.Sakila and his daughter M.Brindha were impleaded and brought on record as legal heirs in this claim petition.

6.The Claim petition was finally allowed as prayed for.

7.Questioning, the order of the Labour Court in claim petition, the management filed the above said Writ petition in W.P.No.12099 of 2017. After the death of the workman, his wife C.Sakila filed an another W.P.No.22699 of 2015 for claiming Family pension.

8.In pursuant of the settlement before this forum a short joint memo has been filed by them and therefore, an award is passed in accordance with the above said joint memo filed by both sides for the Family pension and other retirement benefits for entitled to his wife C.Sakila.

9.Therefore, the management is directed to pay the Pension and Retirement Benefits within a period of four months from the date of copy of this order.

Sd/-
Tmt.C.Shakila
(Petitioner in WP.22699/15 & 1st respondent in W.P.12099/17)

Sd/-
M.Brindha
(2nd respondent in W.P.12099/17)

The Presiding Officer,
II Additional Labour Court. (Petitioner in W.P.12099/17)

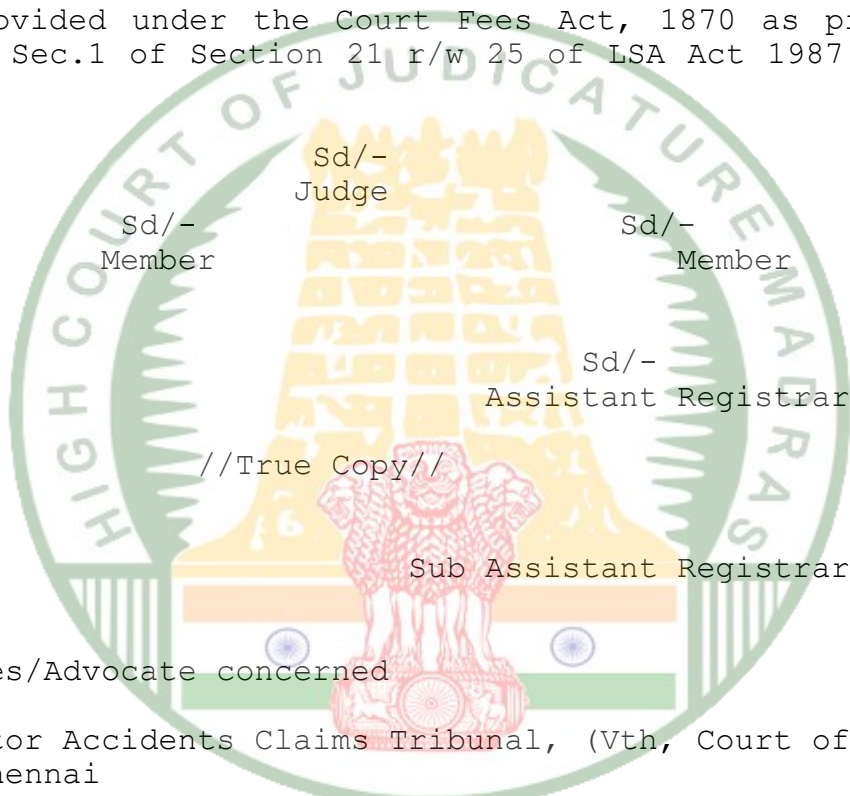
Sd/-
The Managing Director,
Metropolitan Transport Corporation. Sd/-
(1st respondent in W.P.22699/15) Counsel for the Petitioner

The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund.
(2nd respondent in W.P.22699/15)

Sd/-
Counsel for the Respondent

This Lok Adalat award is passed in terms of the above settlement.

The Court fee paid shall be refunded to the parties in the manner provided under the Court Fees Act, 1870 as provided for under sub Sec.1 of Section 21 r/w 25 of LSA Act 1987 as amended in 1994.



To
The parties/Advocate concerned
Copy to:

- 1.The Motor Accidents Claims Tribunal, (Vth, Court of Small Causes) Chennai
- 2.The Secretary, High Court Legal Services Committee, Chennai.
- 3.The Section Officer, V.R.Section, High Court, Madras.
- 4.The Section Officer, Lok Adalat Section, High Court, Madras.

W.P.No.22699 of 2015
and
W.P.No.12099 of 2017

kk (CO)
TR(26/02/2018)