

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.11.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30346 of 2004

and

M.P.No.36804 of 2004

The Commissioner,
Coimbatore City Municipal Corporation,
Town Hall,
Coimbatore - 641 001. .. petitioner

vs

- 1.The Joint Commissioner of labour,
Dr.Balasundaram Road,
R.T.O Office Complex,
Coimbatore -641 018.
- 2.The Assistant Commissioner of Labour,
Dr.Balasundaram Road,
R.T.O Office Complex,
Coimbatore -641 018.
- 3.Tmt.Dhanalakshmi
W/o. Venkatasamy,
No.353, Amman Nagar,
State Bank Colony,
Coimbatore -641 022. सत्यमेव जयते Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent pertaining to his proceedings in G.A.No.183 of 2003 and quash the orders dated 12.01.2004 made in G.A.No.183 of 2003 and the order of the 1st respondent dated 11.08.2004 made in A.G.A.No.137 of 2004 and consequently permit the petitioner Corporation to adjust the amount of gratuity and pension paid to the 3rd respondent under the D.C.R.G.Scheme against the amount of Gratuity ordered by the 1st and 2nd respondents.

For Petitioner : Mr.R.Siva Kumar
For Respondents : Mr.M.Perumal for RR1 & 2
Government Advocate

Mr.V.Chinnasamy for R3

O R D E R

The learned counsel appearing on behalf of the Writ Petitioner made a submission that similar issue was adjudicated in W.A.Nos.2292 to 2295 of 2004, and the Hon'ble First Bench of this Court passed an order dated 30.01.2006, as under:-

"A Joint memo of compromise signed by the learned counsel for the appellant as well as the learned counsel for the first respondent, is tendered, taken on file and marked 'X' for identification, which shall form part of the records. In view of the compromise, all the writ appeals are disposed of in terms of the memo of compromise. Consequently, the connected miscellaneous petitions are closed.

(Xerox copy of memo of compromise attached herewith)"

2.The learned counsel for the petitioner further states that the terms and conditions stipulated in the Joint Memo of Compromise recorded by the Hon'ble First Bench of this Court will be equally applicable to the present writ petitioner also. In other words the writ petitioner will also to be treated on par with other employees who are party to the Joint Memo of Compromise.

3.Thus, in order to maintain the equality amongst the employees in respect of payment of Gratuity, it is preferable to adopt the same terms and conditions recorded by Hon'ble First bench of this Court in Writ Appeal Nos. in 2292 to 2295 of 2004. Thus, no further adjudication on merits need to be undertaken in this Writ Petition and the writ petitioner is directed to extend the benefits of said compromise memo to the writ petitioner also.

3. Accordingly, Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

stm
To

1. The Joint Commissioner of labour,
Dr. Balasundaram Road,
R.T.O Office Complex,
Coimbatore -641 018.

2. The Assistant Commissioner of Labour,
Dr. Balasundaram Road,
R.T.O Office Complex,
Coimbatore -641 018.

+1cc to Mr. R. SIVAKUMAR Advocate, S.R.No. 80817
+1cc to Mr. CHINNASAMY, Advocate, S.R.No. 80405

W.P.No.30346 of 2004

TR(15/12/2017)

सत्यमेव जयते
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