

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Tuesday, the 14th day of February 2017

LOK ADALAT AWARD

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

Presided by

The Hon'ble Mr. JUSTICE S. MARIMUTHU (Retd.)
and

Members

Mr. S. Gunaseelan
Mr. C.S. Sundararaj

W.P.No. 30000 of 2015

(The Writ Petition is filed to pass a Writ of Certiorari or any writ, order or direction to call for the records of the order passed by the 1st respondent in Approval Petition in A.P. No. 587 of 2011 dated 31.07.2013 and to quash the same as illegal)

The Management of Metropolitan
Transport Corporation (Chennai) Ltd.,
Pallavan Illam, Anna Salai,
Chennai - 600 002. ... Petitioner

/vs/

1.The Special Deputy Commissioner of Labour,
D.M.S. Compound,
Chennai.

2.Thiru. Lenin
Driver, Staff No. D 15757,
35/1, 13th Cross Street,
Indira Nagar, Adayar,
Chennai.

.. Respondents

Both present, the Management is represented by Mr. Selvakumar, Superintendent (Legal), Mr. T. Karkkivelan, Advocate for the 2nd respondent present.

ORDER

Both parties are present and they have filed Joint Memo stating that the matter is already been tentatively settled and required final disposal and the same is recorded by this forum. The Joint Memo is reads as follows :

"The 2nd respondent workman was dismissed from service for absence on 7.6.2007. As the common dispute was pending as he is the concerned workman, the petitioner sought approval for the dismissal before the 1st respondent in A.P.NO. 587 of 2011. The 1st respondent by an order dated 31.7.2013 rejected the approval petition filed by the petitioner corporation. Against the order of the 1st respondent, the above writ petition is filed. The respondent workman also filed computation petition claiming backwages for the non employment period before the 2nd Additional Labour Court, Chennai in C.P.No. 89 of 2015.

It is submitted that the above writ is posted before the Lok Adalat for settlement. The 2nd respondent workman agree to forego entire backwages for the non employment period from the date of dismissal to the date reinstatement on condition that he is given reinstatement with continuity of service and employer's PF contribution to the PF trust for the above non employment period by the petitioner management. Further the workman is agreed to withdraw C.P.No.89 of 2015 pending before the 2nd Labour Court, Chennai. With the above terms the settlement is arrived by the both the parties."

The matter has been discussed elaborately by this forum and the following settlement has been arrived.

The 2nd respondent workman can be reinstated and entitled to continuity of service, without backwages. Management is directed to transfer employer contribution of PF amount to be paid PF trust by the Management for the non employment period. Workman is directed to withdraw C.P.No.89 of 2015.

Accordingly the award is passed.

The tentative Joint Memo shall be part of the award.

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The Management of Metropolitan
Transport Corporation (Chennai) Ltd.,
Pallavan Illam, Anna Salai,
Chennai - 600 002.

sd-

Petitioner/ Management

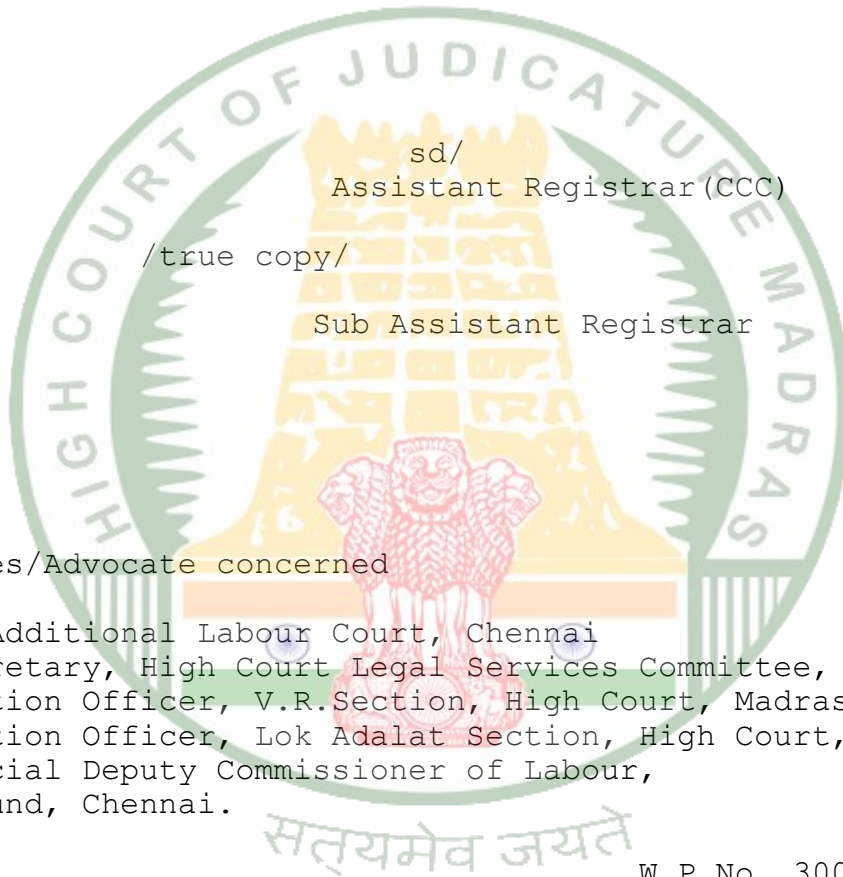
sd-
Lenin

sd-
Counsel for Respondents

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Judge

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Member

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Member



To

The parties/Advocate concerned

Copy to:

- 1.The II Additional Labour Court, 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.
- 5.The Special Deputy Commissioner of Labour,
DMS Compound, Chennai.

W.P.No. 30000 of 2015

VSN (CO)
GN (28/02/2017)

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