

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

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

Wednesday, the 25th day of January, 2017

LOK ADALAT AWARD

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

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

Members

Mr.P. Perumalappan
Mrs.S. Sujatha

W.P.No.21543/2013

(This Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari or any writ, order or direction to call for the records of the order passed by the 1st respondent in Claim Petition in C.P.No.159 of 2009 dated 18.10.2012 and to quash the same as illegal and by holding that the 3rd respondent is not entitled for any pensionary benefits.)

The Managing Director,
Metropolitan Transport Corporation Limited,
Pallavan Illam,
Anna Salai- Chennai-2. .. Petitioner

- Vs -

1.The Presiding Officer,
III Additional Labour Court,
Chennai.

2.The Secretary,
Transport Department,
Chennai.

3.N. Hussain,
Royapettah, Chennai.

.. Respondents

This case came up for settlement before the Lok Adalat. Both the parties are present. Mr. K. Malaikkanu, Counsel for Respondent - 3 is present.

TERMS OF SETTLEMENT

The 3rd Respondent initially was working as a Tyreman-III in Tamil Nadu State Transport Department. Subsequently he was deputed to Palavan Transport Corporation to attend the same service. Thereafter the completion of his service in the same Department he was retired on 31.05.2009. After his retirement the 3rd respondent, for receiving the pension for rendering the service he approached the concerned authority for receiving the same. However the pension for the service rendered by the 3rd respondent for the period from 30.01.1971 to 01.04.1982 was not given. Therefore the 3rd respondent filed the claim petition before the Labour Court for receiving the pension from the concerned authority. The Labour Court passed an award in favour of the 2nd respondent directing the Managing Director, Metropolitan Transport Corporation Limited to pay the arrears of pension sum of Rs.3,43,448/-.

The Management filed writ petition before the High Court, challenging the Labour Court award. When the writ petition is pending for disposal before the High Court, the said writ petition was transferred to this Lok Adalat for amicable settlement.

When this writ petition is taken up hearing before this Lok Adalat, the Learned Counsel appearing for the 3rd respondent represented before this Adalat by stating that the 3rd respondent claim is considered by the Management. Accordingly the 3rd respondent is entitled for receiving the pension from the concerned authority.

For giving effect to the settlement by both parties, the Learned Counsel appearing for the said Management as well as on behalf of the 3rd respondent had filed the memo of compromise. Wherein both parties made an endorsement in the said memo. The memo of compromise is recorded and treated as part and parcel of the case. In the memo of compromise both parties have agreed to settle the case, as per the following terms and conditions;

- i) It is agreed by the writ petitioner that the respondent workmen is eligible for pension as per G.O.42 dated 27.05.2005 for his government service from 30.01.1971 to 31.03.1982.
- ii) The writ petitioner agree to process the 3rd respondent's claim for pension for his Government service from 30.01.1971 to 01.04.1982 and agree to pay arrears from 01.01.1988.

- iii)The 3rd respondent agrees not to take follow up action to realize the pension arrears computed by Labour Court in C.P.No.159/2009 by order dated 18.10.2012.
- iv)The 3rd respondent reserves his right to seek his remedy through court of law, if the writ petitioner fails to comply with terms and conditions of this Memo or Compromise.

In view of the settlement arrived at between the both parties to the proceedings, the writ petition filed by the Managing Director, Metropolitan Transport Corporation Limited is disposed of, as per the terms and conditions referred in the memo of compromise.

*The Xerox Copy of Memo of Compromise is enclosed

Sd/-
The Managing Director,
Metropolitan Transport Corporation Limited,
Chennai.

Sd/-
N. Hussain, (R-3)
Royapettah, Chennai

Sd/-
Counsel for the Respondent-3

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

Sd/-
Judge

Sd/-
Member

Sd/-
Member

सत्यमेव जयते

WEB COPY
Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To: The parties/Advocate concerned

Copy to:

- 1) The Presiding Officer,
III Additional Labour Court,
Chennai.
- 2) The Secretary,
Transport Department,
St. George Fort, Chennai.
- 3) The Secretary,
High Court Legal Services Committee,
Chennai.
- 4) The Section Officer,
V.R. Section,
High Court, Madras.
- 5) The Section Officer,
Lok Adalat Section,
High Court, Madras. (+2 copies)

gj[co]
srg 13/2/2017

W.P.No.21543/2013

सत्यमेव जयते

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