

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee
Wednesday, the 14th day of November, 2018

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE P.THANGAVEL (Retd.)
and

Members

Mrs. D.Prasanna
Mr.S.Arumugam

W.P.No.25401 of 2016

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari or any other appropriate Writ, order or direction of like nature calling for the records pertaining to the order passed in AP.No.534 of 2011 dated 24.07.2013 on the file of the 2nd respondent herein and to quash the same.

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

Vs.

1.Thiru.G.Srinivasan, Driver,
No.5, Mettu Street,
Periyapalayam, Uthukkottai Taluk,
Thiruvallur District. सत्यमेव जयते

2.The Special Deputy
Commissioner of Labour,
D.M.S. Complex, IV Floor,
Teynampet, Chennai - 600 006. ... Respondents

This case has been listed today and came up for settlement before the Lok Adalat. Learned counsel for the appellant Mr.M.Chidambaram and the Learned Counsel for the Respondent-1 Mr. T.Karkkivelan are present. Mr.S.Selvakumar, Senior Superintendent, Metropolitan Transport Corporation Limited,

Chennai is present. After mutual discussion, negotiation, mediation and conciliation between both parties, they arrived at a compromise to settle the matter as follows:

ORDER

The Writ Petition No.25401 of 2016 pending on the file of High Court, Madras has been referred to Lok Adalat for conciliation today.

2. The Petitioner / Management - Metropolitan Transport Corporation, (Chennai) Limited, Chennai represented by Senior Superintendent and assisted by counsel Mr.M.Chidambaram and the 1st respondent assisted by counsel Mr.T.Karikkivelan are present before Lok Adalat for conciliation today.

3. The 1st respondent who was the workman in the Petitioner / Management was dismissed from service for his frequent absence and therefore the petitioner has filed an approval petition in AP.No.534 of 2011 before the authority concerned seeking approval of the dismissal order of the 1st respondent. The said request of the petitioner was rejected on 24.07.2013. It is thereafter, the writ petitioner has filed this writ petition to issue a Writ of Certiorari or any other appropriate Writ, order or direction of like nature calling for the records pertaining to the order passed in AP.No.534 of 2011 dated 24.07.2013 on the file of the 2nd respondent herein and to quash the same and pass such further order or other orders as Hon'ble Court may deem fit and proper in the circumstances of the case.

4. The petitioner and the 1st respondent assisted by counsel on either side settled the dispute between both the parties before the Lok Adalat today. The terms of the compromise are as follows:-

"(i) The 1st respondent workman agrees to forego the entire backwages from the date of removal / dismissal to till the date of reinstatement and further agreed to withdraw CP.No.1161 of 2010 pending before the II Additional Labour Court, Chennai.

(ii) The Petitioner / Metropolitan Transport Corporation have agreed to reinstate the 1st respondent with continuity of service besides the 1st respondent to pay the Employer Provident Fund Contribution without interest to the Provident Fund Trust towards non employment period from the date of dismissal to the date of reinstatement.

(iii) The Petitioner / Management and the 1st respondent have agreed to the terms putforth above".

5. In view of the compromise agreed by both parties as mentioned above, the Lok Adalat hereby declare and decree that the Petitioner / Metropolitan Transport Corporation shall reinstate the 1st respondent to service subject to the conditions referred to above. Award is passed accordingly. No order as to costs.

Sd/-

1.The Management,

Metropolitan Transport Corporation

(Chennai) Ltd.,

Pallavan Illam, Anna Salai,

Chennai - 600 002.

Sd/-

... Counsel for the Petitioner

Sd/-

1.Thiru.G.Srinivasan, Driver,

No.5, Mettu Street,

Periyapalayam, Uthukkottai Taluk,

Thiruvallur District.

Sd/-

... Counsel for the Respondent

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

The full Court fee shall be refunded to the appellant in the manner provided under Section 69-A of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 and 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.

Sd/-

Judge

Sd/-

Member

Sd/-

Member

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

drl

The parties/Advocate concerned
To:

1. The Metropolitan Transport Corporation
(Chennai) Ltd., Pallavan Illam, Anna Salai,
Chennai - 600 002.
2. The Special Deputy, Commissioner of Labour, D.M.S.
Complex, IV Floor,
Teynampet, Chennai - 600 006.
3. The Secretary, High Court Legal Services Committee, Chennai.
4. The Section Officer, Writ Section, High Court, Madras.
5. The Section Officer, Lok Adalat Section, High Court, Madras.
6. The Additional Labour Court, Chennai.

W.P.No.25401 of 2016

SAI (CO)
EU (04/12/2018)



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