

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat organised by the High Court Legal Services Committee
Saturday, the 8th December 2018

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE M.GOVINDARAJ
and

Members

Mr.G.Palaniappan (Dist. Judge, Retd.)
Mr.L.Chandrakumar

W.P.NO.34461 OF 2014
AND MP NO.1 OF 2014

(Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari, to call for the records passed by teh 2nd respondent in A.P.No.217 of 2010 in C/41352/2007 dated 27.12.2012 and to quash the same.)

The Management
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited
Represented by its General Manager
No.27, Railway Station Road,
Kumbakonam - 612 001. ...

Petitioner

Vs.

1.J.Puzhalendhi

2.The Joint Commissioner of Labour (Conciliation)
DMS Compound
Chennai. ...

Respondents

This case is taken up for settlement before the Lok Adalat. Both the parties are present. Mr.D.Venkatachalam, learned counsel for the petitioner and Mr.R.Bala Ramesh, learned Special Government Pleader for the second respondent and the first respondent are present. After mutual discussion, both parties have arrived at a compromise to settle the matter as follows:

TERMS OF SETTLEMENT

Challenging the order dated 27.12.2012 passed by the second respondent in Approval Petition No.217 of 2010, the petitioner is before this Court.

2. The learned counsel appearing on either side would submit that the matter has been settled. They filed a joint memo, which reads as follows:

"JOINT MEMO FILED BY BOTH PARTIES

The 1st Respondent was worked as a Driver in this appellant Corporation. He was dismissed from service on 13.12.2010 for 3rd Fatal accident.

This appellant corporation filed approval petition before the Deputy Commission of Labour, Chennai for the above said dismissal in no AP 217/2010. The Deputy Commissioner of Labour refused approval for the dismissal of 1st Respondent vide its order dated 27.12.2012.

Against the approval petition was rejected this appellant filed writ petition before the Honourable High court in WP no 34461/2014. After argument the Honourable High court of Madras ordered 17B wages in WMP.Nos.8032/2016 on 31.03.2016 directed the petitioner to pay last drawn wages to the 1st Respondent.

Now the 1st Respondent come forward for settlement this case on the following terms.

After deliberation and negotiation both the parties have arrived at a settlement in the following terms:-

- 1. Both the parties hereby agreed that the 1st Respondent is reinstated into service with continuity of service.*
- 2. This 1st Respondent agrees not claim any back wages except the 17B wages already received.*
- 3. The employer contribution with interest for the non-duty period will be paid by the 1st Respondent .*
- 4. The 1st Respondent herein will have no other claim whatsoever against the appellant and he accepts the above terms of settlement as full and final. "*

3. Recording the settlement arrived at between the parties, this writ petition is disposed of. The joint memo filed by the parties is taken on file and the same shall form part of the record. No costs. Consequently, connected miscellaneous petition is closed.

The Management
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited
Represented by its General Manager
No.27, Railway Station Road,
Kumbakonam - 612 001.

Counsel for the petitioner

1.J.Puzhalendhi

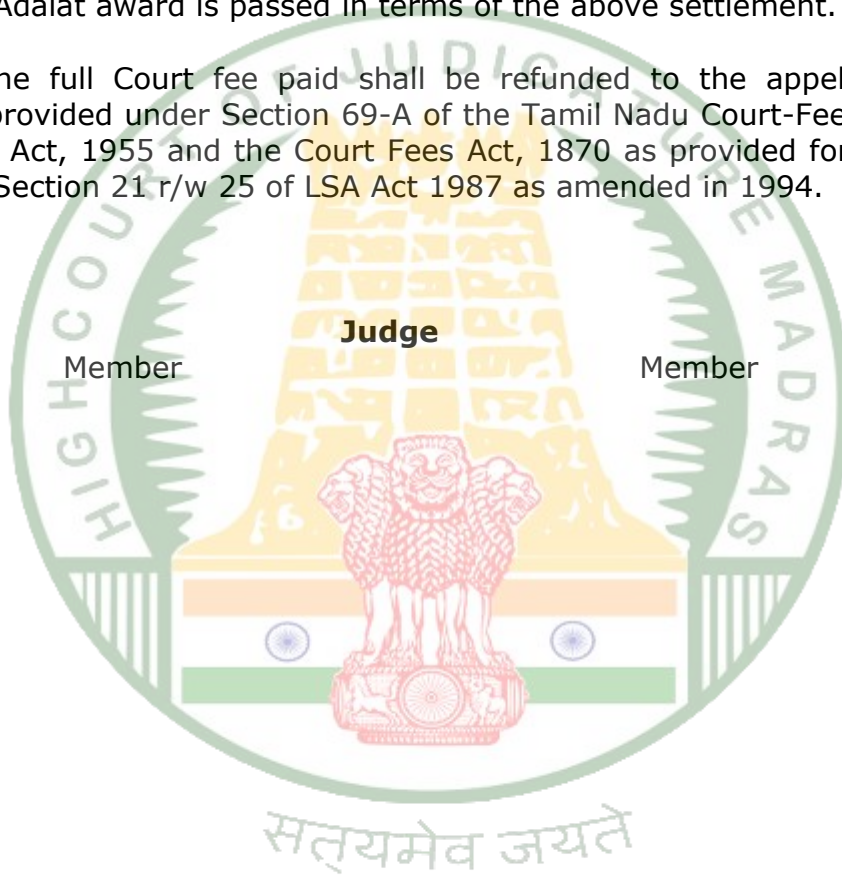
Counsel for the 1st Respondent

2.The Joint Commissioner of Labour (Conciliation)
DMS Compound
Chennai.

Counsel for the 2nd Respondent

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

The full Court fee paid 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.



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M. GOVINDARAJ, J.

TK

To: The parties/Advocate concerned
Copy to:

1. The Joint Commissioner of Labour (Conciliation), DMS Compound, 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. + 2 copies



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08.12.2018