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.19365 OF 2018
AND WMP NO.22770 OF 2018

(Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 12.09.2017 passed by the 1st respondent in A.P.No.381 of 2013 and quash the same, consequently direct the 1st respondent to approve the order of the petitioner dated 13.05.2013 dismissing the 2nd respondent from service.)

The Management
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited
Trichy Region,
Tiruchirapalli - 620 001. ... Petitioner

Vs.

1.The Special Deputy Commissioner of Labour
DMS Campus, Anna Salai,
Chennai.

2.C.Karthikeyan ... 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 and the second respondent are present. After mutual discussion, both parties have arrived at a compromise to settle the matter as follows:

WEB COPY
http://www.judis.nic.in

TERMS OF SETTLEMENT

Challenging the order dated 12.09.2017 passed by the first respondent in A.P.No.381 of 2013 and for a consequential direction to the first respondent to approve the order of the petitioner dated 13.05.2013 dismissing the second respondent from service, 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 dated 08.12.2018, which reads as follows:

"JOINT MEMO FILED BY BOTH PARTIES

The 2nd respondent who was working as Daily Wage Driver in the appellant corporation was dismissed from service by an order dated 13.05.2013 for long absenteeism.

For the approval of dismissal, the appellant corporation filed approval petition under Section 33(2)(b) of the I.D.Act, 1947 before the Special Deputy Commissioner of Labour, Chennai. The approval Petition No.381/2013 was rejected by the Special Deputy Commissioner of Labour, Chennai, on

WEB COPY

http://www.judis.nic.in

12.09.2017.

The appellant Corporation filed Writ Petition in No.19365 of 2018 against the order of the Special Deputy Commissioner of Labour, Chennai.

Now the 2nd respondent has come forward to settle the case through Lok Adalat.

After deliberation and negotiation, both the parties have arrived at a settlement in the following terms.

1.Both the parties hereby agreed that the 2nd respondent shall be reinstated into service as fresh entrant as Daily Wage Driver without continuity of service and without backwages.

2.The period from the date of dismissal i.e., 13.05.2013 to till the date of reinstatement will be considered as "no work no pay" and the period will not be taken up for the calculation of pension and other benefits.

3.The 2nd respondent herein will have no other

WEB COPY
http://www.judis.nic.in

claim whatsoever against the Appellant herein 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 dated 08.12.2018 filed by the parties is taken on file and shall form part of the record. No costs. Consequently, connected miscellaneous petition is closed.

The Management
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited
Trichy Region,
Tiruchirapalli - 620 001. Counsel for the petitioner

1.The Special Deputy Commissioner of Labour
DMS Campus, Anna Salai,
Chennai. Counsel for the 1st Respondent

2.C.Karthikeyan 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.

Judge

Member Member

WEB COPY

http://www.judis.nic.in

M. GOVINDARAJ, J.

TK

To:The parties/Advocate concerned
Copy to:

1.The Special Deputy Commissioner of Labour, DMS Campus, Anna Salai, 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

W.P.NO.19365 OF 2018

WEB COPY

08.12.2018

http://www.judis.nic.in