



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 28.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10412 of 2015
and
WMP(MD)No.2835 of 2017

Raja

... Petitioner

Vs.

1.The Presiding Officer,
Labour Court, Madurai.

2.The Management of Tamil Nadu
State Transport Corporation
(Madurai - Division 1) Ltd.,
Rep.by its Managing Director,
Byepass Road, Madurai - 10.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the first respondent Labour Court made in CP.No.35/12 dated 19.03.2014, quash the same in so far as denying incentive increments, ex-gratia and leave salary and consequently direct the second respondent to pay the petitioner the incentive increments of Rs.5550, ex-gratia amount of Rs.23,829.80 and Leave Salary of Rs.1,94,420.45 with interest at the rate of 18% per annum payable from the date of his retirement ie., on 31.05.2011 to till the date of which the above said benefits are settled to the petitioner within the time.

For Petitioner : Mr.A.Rahul
For Respondent : Mr.A.Jeyaraman

ORDER

Heard the learned counsel on either side.

2.The petitioner was employed in Tamil Nadu State Transport Corporation, Madurai Limited. He was removed from service. The order of removal was set aside by the award of the Labour Court in I.D.No.264 of 1994 dated 30.04.1998. The said award has become final. The petitioner aggrieved in respect of non employment period filed CP.No.35/2012 before the first respondent. The CP was partly allowed. To execute the same, the petitioner also filed EP.No.21 of 2014. The matter was referred to Lok Adalat. Before the Lok Adalat, the petitioner herein received a sum of RS.1,11,012/- on 17.03.2015. The management obviously entered into a settlement before the Lok Adalat and the management was under the



impression that the matter has been given a complete quietus. Thereafter, the petitioner herein challenged the award of the Labour Court in CP.No.35 of 2014 in respect of the disallowed claims.

3. When the matter was taken up for disposal, the learned standing counsel appearing for the management produced a settlement memo as well as the Lok Adalat award. In the affidavit filed in support of this writ petition, there is absolutely no reference to the award of the Lok Adalat.

4. This Court has to necessarily hold that the petitioner herein had willfully and deliberately suppressed material facts. In this view of the matter, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To
The Presiding Officer,
Labour Court, Madurai.

+1CC to Mr.A. Rahul, Advocate, SR.No. 52219

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AM/SV MMS/SAR 3/25.05.2018/2P/3C