



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2018

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.20217 of 2014

and

M.P. (MD) No.1 of 2014 and 1 & 2 of 2015

The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited.,
Karaikudi Region, Marudhupathi,
Managiri, Karaikudi - 630 307

: Petitioner

Vs.

1.M.Shanmuganathan

2.The Joint Commissioner of Labour,
Chennai - 600 006.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the second respondent herein dated 29.04.2013 in A.P.No.251 of 2010, quash the same.

For Petitioner : Mr.D.Sivaraman
For Respondent No.1 : M.Shanmuganathan
Party-in-person

O R D E R

The prayer sought for in this writ petition is for a Writ of Certiorari, calling for the records relating to the impugned order passed by the second respondent herein dated 29.04.2013 in A.P.No.251 of 2010, quash the same.

2.Heard Mr.D.Sivaraman, learned Counsel appearing for the petitioner and M.Shanmuganathan, respondent No.1 [party-in-person].

3.When the case came up for hearing today, the learned Counsel appearing for the petitioner and the first respondent/party-in-person appeared before this Court and they made a joint request that between the parties, the issue raised in this writ petition has been settled amicably and in view of the settlement, a joint memo of compromise has been filed, where, both parties signed and the learned Counsel for the petitioner also signed. As per the said compromise memo, the petitioner shall be reinstated into service



without back wages by adopting the principle of "No work No Pay". Therefore, the learned Counsel for the petitioner and party-in-person submitted that this writ petition can be disposed of by recording the terms of compromise memo filed dated 22.03.2018.

4. In view of the said submission made by the learned Counsel for the petitioner as well as the first respondent/party-in-person, who are now present, the terms and conditions as agreed between the parties as per the said compromise memo dated 22.04.2018, are extracted herein.

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

1. Both parties hereby agreed that the 1st respondent shall be reinstated in to service as driver with continuity of service from the date of reinstatement and without backwages. The non employment period from the date of dismissal till the date of reinstatement will be treated as "No work, No pay" and the period will not be taken for calculation of pension and other benefits.

2. The 1st respondent here by agreed to take treatment at De-addiction centre for alcoholic consumption and after taking treatment he will be allowed to join duty by the Management.

3. The 1st respondent herein will have no other claim whatsoever against the appellant herein and he accepts the above terms of settlement as full and final.

It is therefore prayed that this Hon'ble High Court may be pleased to accept the above memorandum of settlement and dispose the above writ petition accordingly."

5. By recording the said terms and conditions of the compromise and making it as part and parcel of this order, this writ petition is disposed of as no further order is required to be passed and no further issue is required to be adjudicated in this petition. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (T&P)

/True Copy/



To
The Joint Commissioner of Labour,
Chennai - 600 006.

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+1CC to Special Government Pleader in SR.No.64506.

MR

DS/RSK-SKN/SAR-4 :22.05.2018: 3P/3C

ORDER MADE IN
W.P. (MD) No.20217 of 2014
27.04.2018