



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.02.2018

CORAM

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.24279 of 2016
and
W.M.P. (MD) .No.17537 of 2016

The Management through the Managing Director,
Tamil Nadu State Transport Corporation,
Tirunelveli Limited,
No.2, Thiruvananthapuram Road,
Vannarapet, Tirunelveli District.

...Petitioner

Vs.

1. The Presiding Officer,
The Labour Court,
Tirunelveli.

2.J.Chandra

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records from the first respondent Labour Court, Tirunelveli, relating to the impugned award passed by it in C.P.No.73 of 2013, dated 03.07.2015 and quash the same.

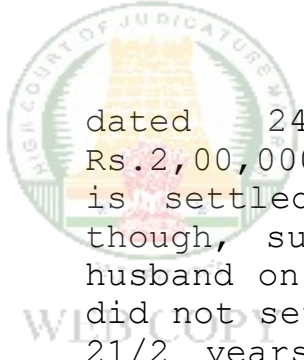
For Petitioner	: Mr.K.Sathiya Singh
For Respondents	: R1-Labour Court
	: Mr.S.Sukumar for R2

ORDER

Heard the learned counsel on either side.

2.The second respondent's husband was employed in the Tamil Nadu State Transport Corporation, Tirunelveli. He was dismissed from service on 03.03.1992. But the statutory authority declined to grant approval. The same was questioned by the Management by filing a Writ Petition. It was dismissed. The Writ Appeal was also dismissed. The Management went to Supreme Court. Special Leave Petition was also dismissed.

3.It was directed that the second respondent's husband had to be reinstated into service with all back wages. But the Management entered into a compromise with the husband of the second respondent. The husband of the second respondent gave a letter



dated 24.09.2007, agreeing to relinquish a sum of Rs.2,00,000/- on condition that the balance amounts payable to him is settled within a period of three months therefrom. Even though, such relinquishment was made by the second respondent's husband on 24.09.2007 with the aforesaid condition, the Management did not settle the remaining benefits immediately. Instead it took 21/2 years more. In the meanwhile the husband of the second respondent died of Heart attack in the year 2009. The benefits were settled on 09.04.2010 to the second respondent and her children. Therefore, claiming the remaining amount of Rs.2,00,000/-, the second respondent filed C.P.No.73 of 2013, before the Labour Court, Tirunelveli. The said C.P was allowed on 03.07.2015. The same is assailed in the Writ Petition at the instance of the Management.

4.The learned counsel appearing for the management contended that C.P. is not maintainable in view of the express relinquishment made by the second respondent's husband.

5.This Court is unable to agree with the said submission. It is true that the second respondent's husband relinquished a sum of Rs.2,00,000/- in favour of the Management. The said relinquishment had contained stipulation that the benefits should be payable to him within a period of three months. But the Management delayed in paying the said amount. Since the management did not act in terms of the understanding arrived at, they cannot now selectively invoke the said compromise dated 24.09.2007. The impugned award passed by the Labour Court made in C.P.No.73 of 2013 is confirmed.

6.There is absolutely no merit in this Writ Petition. The Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

The Presiding Officer,
The Labour Court, Tirunelveli.

+ 1 cc TO Mr.S.Sukumar , Advocate in SR No. 49526
+ 1 cc TO Mr.K.Sathiya Singh , Advocate in SR No. 49713

tsg

AE/RSK/SAR2/02.05.2018/2P/4C