

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

National Lok Adalat organised by the High Court Legal Services Committee
Saturday, the 9th March, 2019

NATIONAL LOK ADALAT AWARD

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

Presided over by:-

The Hon'ble Mr.JUSTICE G.K.ILANTHIRAIYAN

Members:-

- (1) Mrs. M.Rajalakshmi, District Judge & Additional District Judge (RE-1)(Retd.)
(2) Mrs. Sudharshana Sunder, Advocate.

**W.P.No.18926 of 2016
and
WMP.No.16512 of 2016**

(This writ petition is filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari to call for the records pertaining to the order passed in A.P.No.533 of 2011 dated 31.07.2013 on the file of the 2nd respondent herein and quash the same).

The Management
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan Illam, Anna Salai
Chennai 600 002

.. Petitioner

Vs.

1.K.Venkatesan

2.The Special Deputy Commissioner of Labour
D.M.S.Office, IV Floor
Teynampet, Chennai - 600 006.

.. Respondents

This case came up for settlement before the National Lok Adalat. Both the parties are present. Mr.M.Chidambaram, learned counsel for the petitioner and Mr.T.Karkkivelan, learned counsel for the first respondent are present. After mutual discussion, negotiation, mediation and conciliation between both the parties, they arrived at a compromise to settle the matter as follows:-

TERMS OF SETTLEMENT

The writ petition is filed challenging the order in A.P.No.533 of 2011 dated 31.07.2013 on the file of the 2nd respondent herein and quash the same

2.Today, both the petitioner and the first respondent are present and represented that they have entered into a compromise with respect to the dispute between them. They have also filed a joint memo of compromise dated 09.03.2019 to that effect. For better appreciation, the relevant portion of the compromise memo is extracted hereunder:

"It is humbly submitted that Mr.K.Venkatesan, the 1st respondent herein was dismissed from service for absence on 12.01.2009. As the common dispute was pending as he is the concerned workman, the petitioner sought approval for the dismissal before the Joint Commissioner of Labour in A.P.No.533 of 2011. The Hon'ble authority by an order dated 31.07.2013 rejected the approval filed by the petitioner. Against the rejection order the petitioner filed W.P.No.18926 of 2016. It is pending before the High Court, Madras.

It is submitted that the above writ petitions W.P.No.18926 of 2016 was posted before Mega Lok Adalat for settlement on 09.03.2019. The 1st respondent workman agrees to forego entire back wages for the non employment period from 12.01.2009 to till today on condition that he is given reinstatement with continuity of service with 12(3) settlement benefits. The 1st respondent workman agrees to pay employer's PF contribution without interest to the PF trust for the above non employment period. The petitioner management agrees for the term put forth by the 1st respondent workman. With the above term the settlement is arrived by both the parties."

3.In terms of the aforesaid joint memo of compromise entered into between the petitioner and the first respondent, this writ petition is disposed of. The petitioner is directed to reinstate the first respondent with continuity of service without backwages

for the non-employment period, within a period of four weeks from today i.e., 09.03.2019.

There is no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

The Management
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan Illam, Anna Salai
Chennai 600 002

.. Counsel for the Petitioner

1.K.Venkatesan

2.The Special Deputy Commissioner of Labour
D.M.S.Office, IV Floor
Teynampet, Chennai - 600 006.

.. Counsel for the first Respondent

This National Lok Adalat Award is passed in terms of the above settlement. The Court fee paid shall be refunded to the parties in the manner provided under 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

To: The Parties/Advocates concerned.

Copy to:

- 1.The Special Deputy Commissioner of Labour, D.M.S.Office, IV Floor, Teynampet, Chennai 600 006.
- 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

G.K.ILANTHIRAIYAN, J.

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09.03.2019