

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI

Lok Adalat-I organised by the High Court Legal Services Committee

Thursday, the 04th day of July, 2019

LOK ADALAT AWARD

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

The Hon'ble Mr.JUSTICE R.KARUPPIAH (Retd.)
and

Member

Mr.M.Sambasivam

W.P.No.25400 of 2016

and

W.M.P. Nos.21711 and 21712 of 2016

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari or any other appropriate Writ, order or direction of like nature calling for the records pertaining to the order passed in AP.No.306 of 2011 dated 20.08.2013 on the file of the 2nd respondent herein and to quash the same.

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

... Petitioner

Vs.

1. Thiru.K. Chinnappan, Conductor,
No.4/72, Mahathma Gandhi Street,
Malakottaiyur Post, Venkambakkam
Chennai - 600 048.

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

... Respondents

(Impleaded as formal Party)

This case has been listed today and came up for settlement before the Lok Adalat. The Petitioner along with the learned counsel for the petitioner Mr.M.Chidambaram and the first respondent along with the learned Counsel for the Respondent-1 Mr.Ganeshamurthi are present. Mr.Thameem Batcha, Superintendent, Metropolitan Transport Corporation Limited, Chennai is present. After mutual discussion, negotiation, mediation and conciliation between both parties, they arrived at a compromise to settle the matter as follows:

ORDER

The Writ Petition No.25400 of 2016 pending on the file of High Court, Madras has been referred to Lok Adalat for conciliation on 04.07.2019.

2.The Petitioner / Management - Metropolitan Transport Corporation, (Chennai) Limited, Chennai represented by Senior Superintendent and assisted by counsel Mr.M.Chidambaram and the 1st respondent assisted by counsel Mr. P. Ganesamurthi are present before Lok Adalat for conciliation today.

3. The 1st respondent who was the workman in the Petitioner/Management was dismissed from service for his frequent absence and therefore the petitioner has filed an approval petition in AP.No.306 of 2011 before the authority concerned seeking approval of the dismissal order of the 1st respondent. The said request of the petitioner was rejected on 20.08.2013. It is thereafter, the writ petitioner has filed this writ petition to issue a Writ of Certiorari or any other appropriate Writ, order or direction of like nature calling for the records pertaining to the order passed in AP.No.306 of 2011 dated 20.08.2013 on the file of the 2nd respondent herein and to quash the same and pass such further order or other orders as Hon'ble Court may deem fit and proper in the circumstances of the case.

4. The petitioner and the 1st respondent assisted by counsel on either side settled the dispute between both the parties before the Lok Adalat today. Accordingly, Joint Memo has been filed with the terms of the compromise is as follows:-

(ii)

" After arrival of the settlement the workman agrees to withdraw C.P. No.1410 of 2010 pending before the II Additional Labour Court and also agrees to withdraw W.P. No.14525 of 2014. The Ist respondent workman agrees to forego the entire back wages for the non employment period from the date of dismissal to the date of retirement on condition that the management has agreed to settle the terminal benefits of the Workman with

continuity of service with 12(3) wage 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 terms put forth by the 1st respondent workman. With the above terms, the settlement is arrived by both the parties.

5. In view of the compromise agreed by both parties as mentioned above, the Lok Adalat hereby declare and decree that the Petitioner / Metropolitan Transport Corporation shall settle the terminal benefits of the workman with continuity of service with 12(3) wage settlement benefits to the conditions referred to above.

6. Joint Memo shall form part and parcel of the award and Award is passed accordingly. Connected Miscellaneous petitions are closed. No order as to costs.

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

Sd/-
... Counsel for the Petitioner

Sd/-
Thiru.K. Chinnappan, Conductor,
No.4/72, Mahathma Gandhi Street,
Malakottaiyur Post, Venkambakkam
Chennai - 600 048.

Sd/-
... Counsel for the Respondent

This Lok Adalat award is passed in terms of the above settlement.

Sd/-
Judge

Sd/-
Member

* Xerox copy of Joint Memo enclosed

Sd/-
Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

To:

The parties/Advocate concerned

To:

1. The Special Deputy,
Commissioner of Labour,
D.M.S.Complex, IV Floor,
Teynampet, Chennai - 600 006.
2. The Secretary,
High Court Legal Services Committee,
Chennai.
3. The Section Officer,
Writ Section,
High Court, Madras.
4. The Section Officer,
Lok Adalat Section,
High Court, Madras.

W.P.No.25400 of 2016

RSK(CO)
CS/03/09/2019



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