

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2020

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

W.P.No.36300 of 2015 and M.P.No.1 of 2015

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

-Vs-

1.Thiru. R.Nedumaran
2.The Presiding Officer,
Principal Labour Court,
City Civil Court Annexure Building,
High Court Compound,
Chennai - 600 104.Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorari calling for the records pertaining to the order passed in C.P.No.334 of 2014 dated 22.07.2015 on the file of the 2nd respondent herein and quash the same.

For Petitioner : Mr.M.Chidambaram
For Respondents : Mr.S.T.Varadarajulu

सत्यमेव जयते
O R D E R

The prayer sought for in this writ petition is to call for the records pertaining to the order passed in C.P.No.334 of 2014 dated 22.07.2015 on the file of the 2nd respondent herein and quash the same.

2. This matter in fact had been referred for settlement as desired by the parties to the Mediation and Conciliation Centre of this Court, by an order of this Court dated 10.12.2019.

3. Pursuant to the said reference, in the Mediation Centre, efforts had been taken and the parties had come forward to settle the matter. Accordingly the matter has been settled and

in this regard, a joint memo has also been prepared and both parties have signed the same on 12.10.2020, which reads thus.

" 2. In order to get the back wages, the respondent workman filed C.P.No.334/2014 before Principal Labour Court and ordered to pay a sum of Rs.12,13,850/-. The petitioner Management challenged this order in W.P.No.36300/2015 and the writ admitted on 23.11.2015 on condition to deposit Rs.8,00,000/- to the credit of C.P.No.334/2014. Further the respondent workman permitted to withdraw a sum of Rs.5,00,000/-. The petitioner management filed W.M.P.No.11749/2016 in W.P.No.36300/2015 and the earlier order was modified by an order dated 03.06.2016 and permitted to withdraw Rs.3,50,000/- from the deposited amount. The said amount had also been withdrawn.

1. The respondent workman agrees to forego the remaining backwages what is payable to the respondent workman.
2. The respondent workman agrees to deduct a lump sum of Rs.1,00,000/- from his pension arrears amount in lieu of payment of Employer contribution to Pension Trust.
3. The management have agreed to settle the retirement benefits inclusive of pension to the workman with continuity of service with 12(3) wage settlement benefits.
4. The respondent workman agrees to withdraw the balance amount which is available in the credit of C.P.No.343/2014 at Principal Labour Court.
5. The respondent workman agrees to withdraw E.P.No.65 of 2016 pending before the Principal Labour Court, Chennai.

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."

4. Mr.M.Chidambaram, learned counsel for the petitioner Management and Mr.S.T.Varadarajalu, learned counsel for the first respondent/employee would submit that, in terms of the compromise entered into between the parties recorded in the

joint memo dated 12.10.2020, by recording the contents of the same, this writ petition can be disposed.

5. In view of the said settlement reached between the parties, which has been reduced into writing by way of a joint memo dated 12.10.2020, in terms of the same as has been extracted supra, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

* Here enclosed Joint Memo of Compromise.

Sd/-
Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

KST

To

The Presiding Officer,
Principal Labour Court,
City Civil Court Annexure Building,
High Court Compound,
Chennai - 600 104.

+1cc to Mr.S.T.Varadarajulu , Advocate, SR.No.35772
+1cc to Mr.M.Chindambaram, Advocate, SR.No.35809

W.P.No.36300 of 2015

SVI (CO)
KKV/11/12/2020

सत्यमेव जयते

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