



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

WEB COPY

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.17233 of 2012

The Management,
Metropolitan Transport Corporation (Chennai) Ltd.,
Rep. By its Managing Director,
Pallavan Salai,
Chennai-600 002.

..Petitioner

vs.

1.Thiru.A.Devarajan,

2.The Presiding Officer,
III Additional Labour Court,
City Civil Court Building,
Chennai-600 104.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records pertaining to the award dated 31.01.2012 made in I.D.No.359 of 2009 on the file of the 2nd respondent herein and quash the same.

For Petitioner	: Mr.M.Chidambaram
For Respondents	: Mr.S.T.Varadharajulu for R1

O R D E R

The petitioner, challenging the impugned award of the second respondent / Labour Court dated 31.01.2012 made in I.D.No.359 of 2009, has filed the present writ petition.

2. When the matter was listed on 07.12.2021, both the parties consented to file appropriate affidavit of settlement entered into between the parties before this Court. Accordingly, the first respondent/employee has filed an affidavit dated 08.12.2021 and the relevant portion is extracted hereunder:

"2.. I submit that I was appointed as Conductor on 08.02.1984 in the petitioner Management.



5. In view of the above settlement entered into between the parties, this Court passes the following directions:

(i) The petitioner Corporation is directed to pay all attendant benefits to the first respondent/employee by taking into consideration the services of the petitioner from the date of dismissal till the date of retirement as continuity of service and settle pension and other terminal benefits, based on notional pay fixation, without any interest, within a period of four months from the date of receipt of a copy of this order;

(ii) The petitioner / Corporation can deduct the amount towards the contribution of Provident Fund and pay the remaining Provident Fund amount to the first respondent/employee ; and

(iii) The petitioner / Corporation is at liberty to file appropriate application before the Labour Court to withdraw the amount deposited by them towards backwages, as per the interim order of this Court.

6. The writ petition stands disposed of with the above directions. No costs. Interim orders already granted shall stand vacated. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Jvm

To

The Presiding Officer,
III Additional Labour Court,
City Civil Court Building,
Chennai-600 104.

+1 CC to Mr.S.T.Varadharajulu, Advocate sr 65531

+1 CC to Mr.M.Chidambaram, Advocate sr 65606

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BS (CO)

SP(27/12/2021)