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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 07.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.17252 of 2012

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

Vs.

- 1.Thiru G.Jayachandriya  
(Conductor, St.No.(C11964),  
Vadakuppam Village, Konasamuthiram Post,  
Pallipattu Taluk, Thiruvallur District.
- 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 seeking to issue a Writ of Certiorari Mandamus to call for the records pertaining to the Award dated 31.01.2012 made in I.D.No.358/2009 on the file of the second respondent and quash the same.

|                 |                              |
|-----------------|------------------------------|
| For petitioner  | : Mr.M.Chidambaram           |
| For respondents | : Mr.S.T.Varadarajulu for R1 |
| R2              | : Court                      |

ORDER

This writ petition has been filed to quash the Award dated 31.01.2012 made in I.D.No.358/2009 by the second respondent.

2. By consent of both the parties, this matter has been listed before this court, for filing appropriate affidavit for settlement entered into between the parties.

3. Accordingly, affidavit has been filed by the first respondent, wherein, it is stated that, she attained superannuation on 31.05.2017 and she is willing to forego back wages from the date of dismissal to the date of retirement, if



the petitioner agree for continuity of service, with all other attendant benefits and to settle pension and other terminal benefits, based on notional pay fixation. She also prayed that the employer contribution of P.F. amount should be paid for the non employment period by the petitioner, as she agreed for foregoing back wages. Further she agreed that, other than wages paid under Section 17(b) of I.D.Act, she will not claim any back wages for the non employment period.

4. The learned counsel appearing for the petitioner / Corporation agreed for the above settlement, with certain conditions, as mentioned below.

i) The petitioner Corporation has agreed that, if the first respondent agreed to forego back wages from the date of dismissal to the date of retirement, the petitioner is agreed to pay all attendant benefits by taking into continuous service of the petitioner from the date of dismissal till the date of retirement and to settle the pension and other terminal benefits based on notional pay fixation.

ii) the petitioner has agreed to pay the employer contribution of P.F amount for the non employment period, on condition that, if the first respondent is paid her contribution of P.F to the non employment period.

iii) The petitioner is agreed to pay all the above mentioned benefits to the first petitioner, without any interest.

5. Both the parties are agreed for the above said conditions.

6. In view of the above agreement between the parties, no further order is required to be passed in this matter.

7. Accordingly, it is ordered as follows.

i) The petitioner Corporation is directed to pay all attendant benefits by taking into continuous service of the petitioner from the date of dismissal till the date of retirement and to settle the 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) It is clear that, the employer can deduct the amount towards the contribution of PF amount and pay the remaining PF amount to the first respondent.

iii) The petitioner is at liberty to file application before the Labour Court to withdraw the deposited amount by them towards back wages, as per the order of this court dated



8. With the above observations, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

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Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

mst

To

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

+1cc to Mr.S.T.Varadarajulu, Advocate SR. No.64649

+1cc to Mr.M.Chidambaram, Advocate SR. No.64249

W.P.Nos.17252 of 2012

M.P.No.1 of 2012

SVI (CO)

PR (28/12/2021)