



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.8954 of 2005 and
WMP.Nos.1695, 9701 and 27453 of 2005

The Management of Tamilnadu
State Transport Corporation
(COIMBATORE) Ltd.,
Erode Region,
Erode-638 001.

...Petitioner

-vs-

1. Mr.K.Karunanidhi

2. The Presiding Officer,
Labour Court,
Salem.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari calling for the records of the second respondent made in I.D.430/2000 dated 08.05.2003 and quash the same.

For Petitioner : Mr.A.Sundaravadanan

For R1 : Mr.V.Ajay Khose

O R D E R

This Writ Petition has been filed challenging the award passed by the Second respondent made in I.D.430/2000 dated 08.05.2003, by which the first respondent was directed to be reinstated into service with continuity of service and other benefits except backwages.

2. When the matter is taken up for hearing, the learned counsel appearing for the first respondent has filed a Memo dated 31.07.2021 stating that the employee agrees to forego the balance wages from the date of award till the date of his superannuation which fell due on 30.12.2016 and he is satisfied with the wages received by him under Section 17 (B) of the Industrial Disputes Act, 1947, towards the wages for the said period and also agrees to get terminal benefits by treating the



period of dismissal as continuity of service till his retirement and if the Management agrees to pay PF contributions from the date of dismissal till the date of superannuation.

3. The learned counsel appearing for the Petitioner-Corporation also agreed to pay PF contributions to the first respondent/workmen from the date of dismissal till the date of superannuation.

4. Recording the Memo dated 31.07.2021 that form part of this order and also taking note of the submissions made by learned counsel appearing on either side this Court deems it fit to modify the award into one of reinstatement into service with continuity of service with other terminal benefits except backwages from the date of dismissal till the date of superannuation.

5. Accordingly, the Award passed by the Second Respondent dated 08.05.2003 is modified as indicated above. The Petitioner-Corporation is directed to extend pension, gratuity and Provident Fund dues to the first respondent from the date of dismissal till the date of superannuation. However, it is made clear that apart from the said benefits, employee will not be entitled to any other benefits.

6. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petitions are closed.

(* Xerox Copies enclosed)

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

The Presiding Officer,
Labour Court,
Salem.

+1 CC to Mr.V.Ajay Khose, Advocate sr 37161.

W.P.No.8954 of 2005

PCH(CO)
SP(17/09/2021)