

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.Nos.2454 and 6923 of 2017

T.Mani ... Petitioner
in W.P.No.2454 of 2017

The Management,
Tamilnadu State Transport Corporation (Salem) Ltd.,
Bharathipuram,
Salem Main Road,
Dharmapuri District - 636 705. ... Petitioner
in W.P.No.6923 of 2017

Vs.

1. The Managing Director,
TNSTC (Salem) Limited,
Ramakrishna Road,
Fourth Road, Salem.
2. The General Manager,
TNSTC (Salem) Limited,
Dharmapuri Region,
Salem Main Road,
Bharathipuram,
Dharmapuri District - 5. ... Respondents
in W.P.No..2454 of 2017

1. The Special Deputy Commissioner of Labour,
DMS Compound, Anna Salai,
Chennai.

2. T.Mani ... Respondents
in W.P.No..6923 of 2017

PRAYER in W.P.No.2454 of 2017: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to reinstate

the petitioner in service with continuity and with backwages and all other attendant benefits as per the order passed in A.P.No.222 of 2010 dated 21.12.2015.

PRAYER in W.P.No.6923 of 2017: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records passed by the second respondent made in Approval Petition No.222 of 2010 dated 21.12.2015 and to quash the same as illegal and against the provisions of the Industrial Disputes Act, 1947.

W.P.No.2454 of 2017

For Petitioner : Mr.S.T.Varadarajulu

For Respondents : Mr.D.Raghu, Standing Counsel

- - - - -

W.P.No.6923 of 2017

For Petitioner : Mr.D.Raghu, Standing Counsel

For Respondent No.1 : Mr.V.Kadhirvelu
Special Government Pleader

For Respondent No.2 : Mr.S.T.Varadarajulu

- - - - -

C O M M O N O R D E R

By consent of both the parties, the matter was referred to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, by order dated 12.02.2021.

2. Pursuant to the negotiations, the parties have arrived at mutually agreeable settlement and a report was sent by the Tamil Nadu Mediation and Conciliation Centre, in Mediation File No.55/21 dated 06.02.2021, attaching the Joint Memo of Compromise dated 25.02.2021 signed by the parties and duly attested by their respective counsel. The Joint Memo of Compromise is extracted as follows:-

JOINT MEMO OF COMPROMISE

"1. It is humbly submitted that Mr.T.Mani the petitioner herein was dismissed from service for absence on 2.12.2010. As the common dispute was

pending, as he is the concerned workman, the respondent sought approval for the dismissal before the Joint Commissioner of Labour in A.P.No.222 of 2010. The Hon'ble authority by an order dated 21.12.2015 rejected the approval filed by the Management. The workman filed W.P.No.2454 of 2017 seeking reinstatement. The management filed a Writ Petition in W.P.No.6923 of 2017 against the rejection order, passed in A.P.No.222 of 2010. This Hon'ble High Court by an order dated 02.08.2017 in W.M.P.No.15176/2017, directed the management to pay last drawn wages to the workman. After the High Court order, the respondent had issued reinstatement order on 10.04.2018. The workman attained superannuation on 30.06.2019. Both the Writ Petitions are pending before the Hon'ble High Court.

2. It is submitted that the above Writ Petitions W.P.No.2454 of 2017 and 6923 of 2017 is posted before the mediation for settlement. After arrival of the settlement, the workman and the management agrees for the following terms:-

"To reinstate T.Mani/Petitioner, Ex-Driver, DR5598 by treating the period from the date of dismissal i.e. from 02.12.2010 to the date of re-engagement i.e. upto 10.04.2018 as "No Work No Pay" and to take the service period previous to dismissal and from the date of re-engagement to the date of superannuation for settling terminal benefits including pension".

The said Joint Memo of Compromise shall form part of the order and the same is taken on file. The Writ Petitions are ordered in terms of the Joint Memo of Compromise. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

asi

To

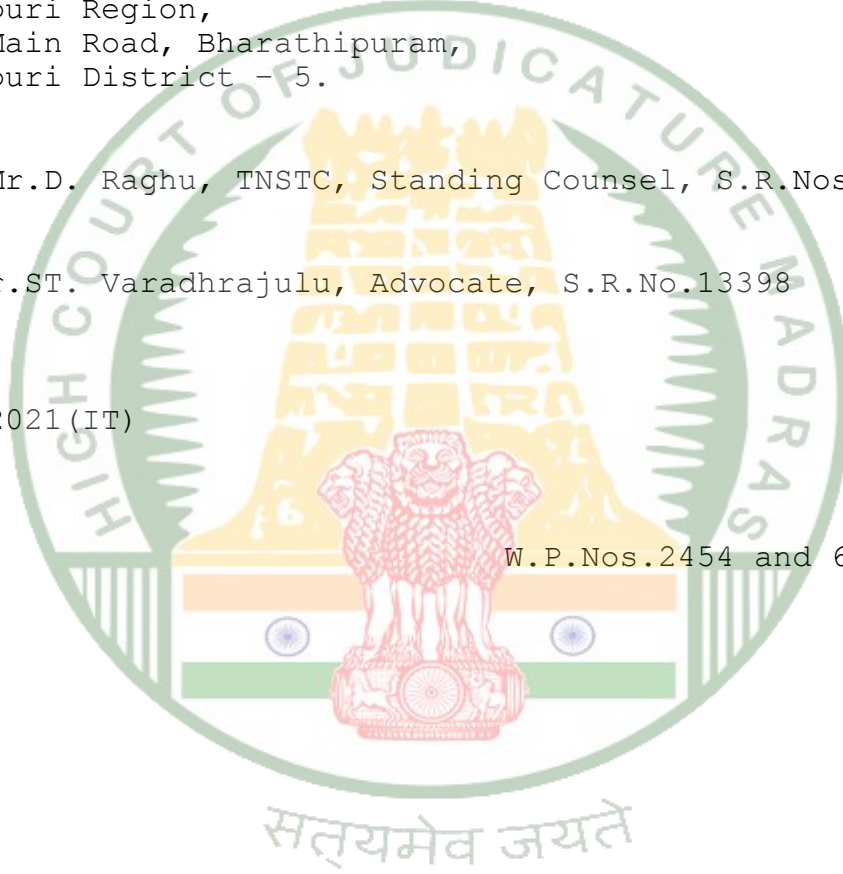
1. The Special Deputy Commissioner of Labour,
DMS Compound, Anna Salai, Chennai.
2. The Managing Director,
TNSTC (Salem) Limited,
Ramakrishna Road, Fourth Road, Salem.
3. The General Manager,
TNSTC (Salem) Limited,
Dharmapuri Region,
Salem Main Road, Bharathipuram,
Dharmapuri District - 5.

+2ccs to Mr.D. Raghu, TNSTC, Standing Counsel, S.R.Nos.13096,
13098

+1cc to Mr.ST. Varadhrajulu, Advocate, S.R.No.13398

JP11(CO)
SM/08/03/2021(IT)

W.P.Nos.2454 and 6923 of 2017



WEB COPY