



WEB COPY



WP No.18923 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-11-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.18923 of 2016

And

WMP No.16509 of 2016

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

..

Petitioner

VS.

1.Thiru D.Gandhi

2.The Special Deputy Commissioner of Labour,
D.M.S. Office,
Teynampet,
Chennai-600 006.

..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the order passed in A.P.No.529 of 2011 dated 19.08.2013 on



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the file of the second respondent herein and quash the same.

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For Petitioner	: Mr.R.Ramanlal, Additional Advocate General Assisted by Mr.M.Chidambaram.
For Respondent-1	: Mr.S.T.Varadarajulu
For Respondent-2	: Mr.P.Kumaresan, Additional Advocate General Assisted by Mr.S.John J.Raja Singh, Additional Government Pleader.

ORDER

The writ petition has been filed challenging the order passed by the second respondent in A.P.No.529 of 2011 dated 19.08.2013.

2. The parties arrived a settlement and accordingly the writ petitioner-Management passed Resolution No.162, which reads as under:-

“Resolved to authorise the Managing Director to reinstate 1) Thiru S.Jagadeesan, Driver, EDP No.D50184, 2) Thiru P.Ramamoorthy, DP-Driver, EDP No.D51970



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and 3) Thiru C.Masilamani, Driver, EDP No. D52295 with continuity of service from the date of dismissal to the date of reinstatement notionally but without back wages based upon the Government Letter No.5370/C2/2021, dated 28.07.2021 and the PF contribution shall be subject to conditions in compliance of the direction of the Hon'ble High Court pending cases in WP Nos.537 of 2016, 18931 of 2016 and 33630 of 2016. Further, to accord approval to settle the retirement benefits to Thiru D.Gandhi, Conductor, EDP No.C10664 with continuity of service from the date of dismissal to the date of retirement notionally but without back wages based upon the Government Letter No.5370/C2/2021, dated 28.07.2021 and the PF contribution shall be subject to conditions in compliance of the direction of the Hon'ble High Court pending cases in WP Nos.18923 of 2016 and 12993 of 2014. Also to settle the death cum retirement benefits to the Legal Heirs of deceased Thiru A.Kathirvelu, Conductor, EDP No.C50562 with continuity of service from the date of dismissal to the date of death notionally but



without back wages based upon the Government Letter No.5370/C2/2021, dated 28.07.2021 and the PF contribution is subject to conditions in compliance of the direction of the Hon'ble High Court pending cases in WP Nos.18922 of 2016 and 37496 of 2016 as recommended by the Finance Committee.”

3. The first respondent-workman also filed a Memorandum of Undertaking (MoU) that he will not claim any further relief over and above the relief now agreed by the writ petitioner-Management. Thus, no further is required in respect of the grounds raised in the present writ petition.

4. The writ petitioner-Management has to act upon as per the Resolution passed by them, within a period of four weeks from the date of receipt of a copy of this order.



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5. Accordingly, the writ petition stands disposed of. However,

there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

Svn

To

The Special Deputy Commissioner of Labour,
D.M.S. Office,
Teynampet,
Chennai-600 006.



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S.M.SUBRAMANIAM, J.

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