



WEB COPY



W.P.No.27123 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

Writ Petition.No.27123 of 2015
and M.P.No.1 of 2015

The Management
State Express Transport Corporation Ltd.,
Pallavan Salai, Chennai-2.
Rep., by its Managing Director.

... Petitioner

Vs.

1.A.Chakrauthan

2.The Special Deputy Commissioner of Labour,
DMS Compund, Chennai-600 006.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorari to call for the records of the 2nd respondent made in A.P.No.15/2011 on 27.03.2014 and quash the same.

For Petitioner : M/s.K.Kathiresan
For Respondents : Mr.V.Ajaykhose for R1
: Mr.R.V.Dhineshraj Kumar,
Additional Government Pleader for R2

ORDER

This Writ Petition is filed for quashing of the order dated 27.03.2014 in A.P.No.15/2011 passed by the second respondent.

2. The counsel for the petitioner and the first respondent filed a Joint



Compromise Memo dated 26.07.2023 stating that the dispute between petitioner and the first respondents has been settled amicably, outside the Court. They have submitted that the Writ Petition may be disposed of as per the terms of Joint Compromise Memo. Accordingly, the Joint Compromise Memo filed by the petitioner and first respondent dated 26.07.2023, is taken on file.

3. The relevant paragraphs of Joint Compromise Memo is extracted here under :-

“the Writ Petitioner Management and the 1st Respondent workman have held negotiation on various dates and finally on 10.06.2023 and arrived at an amicable settlement in the following

TERMS:

A. The Writ Petitioner Management agrees to reinstate the 1st Respondent with continuity of service and with notional fixation of pay from the date of his dismissal to the date of his reinstatement by granting the wage revision benefits as per the intervening wage revision settlements and by granting him annual increments, but without any review benefits.

B. The 15 Respondent/workman agrees to forgo the entire difference in wages from the date of dismissal to



the date of his reinstatement except the 17-B wages which he has already received and except the 17-B wages to be paid to him for the period from April, 2020 to November, 2022.

C. The Writ Petitioner Corporation agrees to take the entire period of non employment from the date of dismissal of the 1st Respondent to the date of his reinstatement as qualifying service for pension and gratuity.

D. The Writ Petitioner Corporation agrees to remit the employer Contribution of PF for the period of non-employment and also agrees to pay the arrears of 17-B wages for the period from April, 2020 to November, 2022.

E. The 1st Respondent agrees to pay the employees contribution for the above period of non-employment and also agrees to adjust the said amount from out of the 17-B wages arrears payable to him for the above period and to get the balance amount after such adjustment.

F. The 1st Respondent declares that he will not claim back wages or any other benefits other than the benefits which are mutually agreed to be paid and received between the parties under this settlement.

G. Both parties agree to place this settlement before the Hon'ble High Court and to pray the Hon'ble High Court



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to dispose of the above Writ Petition in terms of this joint memo of compromise.”

Dr.D. NAGARJUN, J.

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4. Accordingly, this Writ Petition stands disposed of in terms of the Joint Memo of Compromise, directing the petitioner/Management to reinstate the first respondent/ worker as quickly as possible, not later than three weeks from the date of receipt of copy of this order. The Joint Memo of Compromise shall form part of the order. Consequently, connected Miscellaneous Petition is closed. No costs.

19.12.2023

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Index:Yes/No

Speaking Order: Yes/No

Neutral Citation:Yes/No

To

1. The Management

State Express Transport Corporation Ltd.,
Pallavan Salai, Chennai-2.

2.The Special Deputy Commissioner of Labour,
DMS Compund,Chennai-600 006.

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