



W.P.No.33002 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.33002 of 2016

N.Devarajan

...Petitioner

Vs.

The Management of Tamilnadu State Transport Corporation
(Salem Division II Ltd),
Rep. by its Managing Director,
Salem Main Road, Bharathi Puram,
Dharmapuri – 5.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to furnish copy of Section 18(1) Settlement of ID Act dated 22.01.2005 entered between the petitioner and the respondent management.

For Petitioner : Ms.S.Vijaya
for M/s.Vijaya and Anandh

For Respondent : Mr.R.Babu



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ORDER

This Writ petition has been filed seeking direction to the respondent to furnish the copy of Section 18(1) Settlement of ID Act dated 22.01.2005 entered between the petitioner and the respondent management.

2. The case of the petitioner is that, on 01.09.1979, the petitioner joined as the driver in the respondent corporation. However, due to unauthorized absence, the respondent management conducted enquiry and based on the enquiry report, the respondent management dismissed the petitioner from the service, vide order dated 16.07.1996. Aggrieved by the same, the petitioner raised an industrial dispute in ID.No.331/2003 before the Labour Court, Salem and the Labour Court, vide award dated 16.03.2004, directed the respondent management for re-instatement of service without any benefits of backwages, continuity of service and other benefits, however, directed the respondent management to fix and pay on par with other employees within three months from the date of award. Challenging the said award, the respondent management filed a Writ petition in W.P.No.39242/2004 and this Court, vide order dated 23.12.2005,



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disposed of the same on the ground that, the petitioner was reinstated into

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service based on Section 18(1) of ID Act Settlement dated 22.01.2005. While so, though the petitioner rendered 19 years of service, the respondent management paid only a sum of Rs.55,385/- towards social welfare fund and has not paid any amount towards gratuity, provident fund and surrender leave salary. Further, the petitioner signed the said 18(1) settlement only based on the assurance of the respondent that they would grant pension to the petitioner after his retirement and the same was entered into only for reinstatement. Therefore, the petitioner made an application dated 23.10.2014 under RTI Act seeking to furnish the said 18(1) Settlement, however, the respondent management had refused to furnish the same to the petitioner. Hence, the petitioner has come up with this Writ petition.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that, it would suffice, if this Court issues direction to the respondent to furnish Section 18(1) Settlement of ID Act dated 22.01.2005 entered between the petitioner and the respondent management as expeditiously as possible.



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4. Considering the limited request made by the learned counsel for the petitioner, this Court without expressing any opinion on the merits of the case directs the respondent to furnish the petitioner with the copy of Section 18(1) Settlement of ID Act dated 22.01.2005 entered into between the petitioner and the respondent management within a period of two weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ petition stands disposed of. No costs.

12.07.2023

skt

NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

To

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M.DHANDAPANI., J.

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