



WEB COPY



W.P.No.36932 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.36932 of 2016

and

W.M.P.No.31721 of 2016

The Management,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Illam, Anna Salai,
Chennai – 600 002. ... Petitioner

Vs.

1.P.Thanigaivel

2.The Presiding Officer,
III Additional Labour Court,
City Civil Court Annexure Building,
High Court Compound,
Chennai – 600 104. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to the order passed in C.P.No.1581 of 2010 dated 18.03.2016 on the file of the second respondent herein and quash the same.

For Petitioner : Mr.M.Chidambaram



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ORDER

This Writ Petition has been filed seeking for a Writ of Certiorari, to call for the records pertaining to the order passed in C.P.No.1581 of 2010 dated 18.03.2016 on the file of the second respondent and quash the same.

2. The case of the petitioner Corporation is that, they terminated the first respondent from service on the ground that he has unauthorisedly absented him from duty. After punishment, the petitioner Corporation filed an approval petition in A.P.No.305 of 2011 under Section 33(2)(b) of the Industrial Disputes Act, 1947 and the approval petition was rejected by the Labour Court. Aggrieved by the rejection order, the petitioner Corporation filed a writ petition in W.P.No.18922 of 2016 which is now pending before this Court. Thereafter, the first respondent filed C.P.No.1577 of 2010 before the second respondent and the second respondent has passed an order dated 18.03.2016 in favour of the first respondent. Challenging the same, the petitioner Corporation has filed the above writ petition before this Court.



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3. The learned counsel for the petitioner submits that, prior to filing of this writ petition, the first respondent filed a writ petition before this Court in W.P.No.18118 of 2014 for Mandamus directing the petitioner Corporation to pay back wages from the date of dismissal to the date of retirement and pension and other terminal benefits to the first respondent. Subsequently, the first respondent passed away, thereby, his legal heirs were impleaded as party in the above said writ petition and in view of the compromise arrived between the petitioner Corporation and the legal heirs of the first respondent, Lok Adalat award was passed in the said writ petition. Based on the said Lok Adalat award, entire benefits was settled in favour of the legal heirs of the first respondent. Hence, he submits that, nothing survives for adjudication in this Writ Petition. Further, he submits that, this Court, on 21.10.2016, while granting interim stay in this writ petition, has directed the petitioner Corporation to deposit 50% of the award amount to the credit of C.P.No.1581 of 2010 on the file of the second respondent, pursuant to which, the petitioner Corporation has also deposited the same. Hence, he prays that, this Court may grant permission to the petitioner Corporation to withdraw the award amount already deposited by them.



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4. In view of the submissions made by the learned counsel for the petitioner Corporation, this Court is of the view that, no further order is necessary in this writ petition, since the issue has been already settled between the parties.

5. Accordingly, the Writ Petition is closed and the petitioner Corporation is permitted to withdraw the award amount already deposited by them to the credit of C.P.No.1581 of 2010 as per the order passed by this Court, dated 21.10.2016, upon obtaining necessary consent from the legal heirs of the deceased first respondent. No costs. Consequently, the connected miscellaneous petition is closed.

11.07.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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The Presiding Officer,
III Additional Labour Court,
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M.DHANDAPANI, J.

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