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W.P.No.27788 of 2024

HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
Saturday, the 14th day of September, 2024
NATIONAL LOK ADALAT AWARD
(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)

Presided over by

The Hon'ble Dr. JUSTICE S.VIMALA (Retd.)
AND

MEMBERS :

Mr.N.Balasubramanian, District Judge, (Retd.)
Ms.K.M.Valsala Kumari, (Advocate)

W.P.No.27788 of 2024
and W.M.P.No.30300 of 2024

The Management,
Metropolitan Transport Corporation,
No.2, Anna Salai,
Chennai – 2

... Petitioner

Vs

1. The Special Joint Commissioner of Labour,
DMS Compound,
Teynampet,
Chennai – 600 006

2. Thiru.J.Arumugam

... Respondents

This case came up for settlement before the Lok Adalat. Both parties present. Mr.A.Vinothraj, learned counsel for the Petitioner and the 2nd respondent/party-in-person are present.



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After mutual discussion and negotiation between both parties they arrived at a compromise to settle the matter as follows :

TERMS OF SETTLEMENT

The second respondent had been employed as Conductor attached to Iyyappanthangal Depot having Staff No.C59262. There was an allegation of unauthorized absence from duty from 25.02.2020 continuously for a period of eight days. The show cause notice was issued and after conducting an enquiry, final order dated 27.05.2022 was passed by the Management thereby removed the second respondent herein from service. Thereafter, as per the mandate Approval Petition filed before the Competent Authority in Approval Petition No.125 of 2022, the Approval Petition was rejected by the first respondent by the Order dated 11.09.2023. Challenging the said order, this Writ Petition has been filed by the Management of Metropolitan Transport Corporation.

(ii) As per the terms and conditions arrived at between the Management and the second respondent employee herein, the Management has agreed to provide reinstatement to the second respondent herein without back wages for the non-employment period i.e., from the date of removal till the date of reinstatement.

(iii) The resolution passed by the Metropolitan Transport Corporation Board Directors has been produced before the Lok Adalat and the resolution reads as under:



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“To consider the authorized the Managing Director to refer the case before the Lok Adalat for amicable settlement to reinstate Thiru.J.Arumugam, Ex-Daily Paid Conductor, Staff No.C59262, Iyyappanthangal Depot without back wages for the non-employment period from the date of removal to till the date of reinstatement i.e., from 27.05.2022 to till the date of reinstatement based upon the workman representation dated 06.03.2024 as recommended by the Finance Committee.”

(iv). In view of the above resolution and settlement, the Management shall provide reinstatement to the second respondent Thiru.J.Arumugam, Ex-Daily Paid Conductor, Staff No.C59262, Iyyappanthangal Depot within a period of twelve weeks from the date of receipt of copy of this Order. This reinstatement shall be without back wages from the date of removal to the date of reinstatement. Consequently, connected writ miscellaneous petition stands closed. It is ordered accordingly.

The Management,
Metropolitan Transport Corporation,
No.2, Anna Salai,
Chennai – 2

Counsel for Appellant

2. Thiru.J.Arumugam

2nd Respondent(Party-in-person)



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This Lok Adalat award is passed in terms of the above settlement.

The full court fee paid shall be refunded to the appellant in the manner provided under Section 71-A of the Tamil Nadu Court Fees and suits Valuation Act, 1955 and the Court Fees Act, 1870 as provided for under sub Sec.1 of Section 2 r/w 25 of LSA Act 1987 as amended in 1994.

Judge

Member

Member

To: The parties/Advocate concerned

Copy to:

1. The Special Joint Commissioner of Labour,
DMS Compound,
Teynampet,
Chennai – 600 006

2. The Secretary, High Court Legal Services Committee, Chennai.

3. The Section Officer, V.R. Section, High Court, Madras.

4. The Section Officer,
Lok Adalat Section, High Court Madras. +2 copies

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Dr. JUSTICE S.VIMALA

mac

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14.09.2024