

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2015

CORAM

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Writ Petition No. 23659 of 2011
and
M.P. No. 1 of 2011
M.P. No. 1 of 2015

Tamil Nadu Tourism Development
Corporation Limited
rep. by its General Manager (Finance)
cum Company Secretary
having its registered office at
No.2, Wallajha Road
near Kalaivanar Arangam
Triplicane, Chennai - 600 002 ... Petitioner

Versus

1. The Presiding Officer
III Additional Labour Court
Chennai
2. S. Pathianathan ... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for a Writ of Certiorari to call for the records relating to the Award dated 30.11.2010 passed in I.D. No. 646 of 2002 on the file of the first respondent herein and quash the same.

For Petitioner : Mr. A. Vijayakumar
For Respondents : Mr. K.V. Ananthakrishnan for R2

ORDER

This Writ Petition was referred to Tamil Nadu Mediation and Conciliation Centre, High Court, Madras to explore the possibility of a settlement of the dispute between the parties.

2. A communication dated 08.09.2015 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its report dated 04.09.2015 has been received, wherein it is stated as follows:-

"Both the parties arrived at an amicable settlement as per the terms in the Mediation Agreement enclosed herewith. Hence the matter is sent back to the Honourable Court."

3. As per the Mediation report dated 04.09.2015, the petitioner as well as the second respondent have arrived at a compromise and it was reduced in to writing. The terms and

conditions of the agreement has been duly signed by the parties in the presence of witnesses which reads as follows:-

"1. The writ petitioner corporation shall give continuity of service to the Workman S. Pathinathan from the date of dismissal i.e., 23.09.1999 till the date of reinstatement

2. The writ petitioner corporation shall fix the salary notionally from the date of dismissal till the date of his retirement i.e., 30.06.2014

3. The corporation shall pay the total amount of Rs.5,67,233/- to the workman as agreed

4. The writ petitioner shall deduct the P.F. contributions of the Workman from and out of the amount due to him. The corporation shall pay the employer's provident fund contribution to the P.F.Authority

5. Out of the amount of Rs.5,67,233/- the corporation shall pay the gratuity amount of Rs.4,26,923/- to the workman on 14.09.2015. Balance amount of Rs.1,40,310/- will be retained for payment of P.F. contribution and having remitted the remainder shall be paid to the workman

6. Parties have no other claims against each other and this settlement is full and final.

7. The workman relinquishes any other amount due to him.."

4. Having regard to the fact that the petitioner as well as the second respondent have entered into a memorandum of compromise, in terms of the settlement arrived at between the parties, which is recorded under the Mediation Agreement by the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras in its Report dated 04.09.2015, this Writ Petition is disposed of. The Mediation Agreement and the report of the Mediation Centre shall form part of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

The Presiding Officer,
III Additional Labour Court,
Chennai.

+1 cc to Mr.A.Vijayakumar, Advocate, sr.54748

WP No. 23659 of 2011