

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15/07/2015

CORAM

THE HONOURABLE MR.JUSTICE C.S.KARNAN

W.P.No.10644 of 2012
&
M.P.No.1 of 2012
and
M.P.Nos. 1 & 2 of 2014

The Management of Picnic Park Hotel Pvt. Ltd.,
Rep. by Sanjay Gupta,
No.1132, Poonamallee High Road,
Chennai - 600 003.

...Petitioner

Vs.

1. The Presiding Officer,
Principal Labour Court,
City Civil Court Buildings,
Chennai - 600 104.

2. S.Anburaj

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for a Writ of Certiorari, to call for the records of the first respondent in passing of the order dated 22.04.2009 in I.D.No.164 of 2008 and quash the same and thereby dismiss the claim of the second respondent and subject matter of I.D.No.164 of 2008.

For Petitioner : Mr.S.R.Rajagopal

For Respondents : R-1 (Court)
Mr.K.V.Ananthakrishnan for R-2

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O R D E R

The second respondent herein has filed a case in I.D.No.164 of 2008 against the writ petitioner herein to reinstate him into service with back wages, continuity of service and all other attendant benefits since the Management removed him from service. In the said case, notice was served on the Management, but no one had appeared. Hence, Ex-parte order has been passed. Against

the Ex-parte order, the above writ petition has been filed.

2. Today when the matter came up for hearing, the learned counsels on both sides appeared and filed a compromise memo duly signed by both parties and their learned counsels. The terms and conditions of the compromise memo agreed by the Management and workman are as follows:-

"(a) The petitioner Picnic Park Hotel Pvt. Limited has agreed to pay a sum of Rs.70,000/- (Rupees Seventy Thousand only) to the second respondent as compensation in lieu of reinstatement in full and final settlement of his clam.

(b) The party of the second respondent agrees to receive a sum of Rs.70,000/- (Rupees Seventy Thousand only) as compensation in lieu of reinstatement.

(c) Pursuant to the said negotiation, the petitioner has paid a sum of Rs.70,000/- today to the second respondent which the second respondent acknowledges receipt hereof and confirms he has no other claim against the petitioner whatsoever. The second respondent agrees to withdraw all proceedings initiated against the petitioner. The employee is not interested in prosecuting the complaint filed in C.C.No.636 of 2012, on the file of XVI Metropolitan Magistrate, George Town, Madras in the light of the settlement."

3. This Court after recording the above said compromise memo, passes the following order:-

The Exparte award in I.D.No.164 of 2008, on the file of Principal Labour Court Chennai, against the Management / writ petitioner herein obtained by the employee viz., Mr.S.Anburaj and the direction given to the Management to reinstate the employee into service with back wages, continuity of service and all other attendant benefits dated 22.04.2009 is hereby set-aside. The criminal case in C.C.No.636 of 2012 on the file of XVI Metropolitan Magistrate, George Town, Chennai, initiated by the Inspector is defunct since the matter is settled among the employer and employee and as the employee has received a sum of Rs.70,000/- (Rupees Seventy Thousand only) from the Management as full and final settlement.

4. Hence, the above writ petition is disposed of with the above observations. This Court directs the Registry to send a copy of this order to the learned XVI Metropolitan Magistrate, George Town, Chennai for his perusal and orders on C.C.No.636 of 2012, which is pending now. There is no order as to costs.

Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

r n s

To

1.The Presiding Officer,
Principal Labour Court,
City Civil Court Buildings,
Chennai - 600 104.

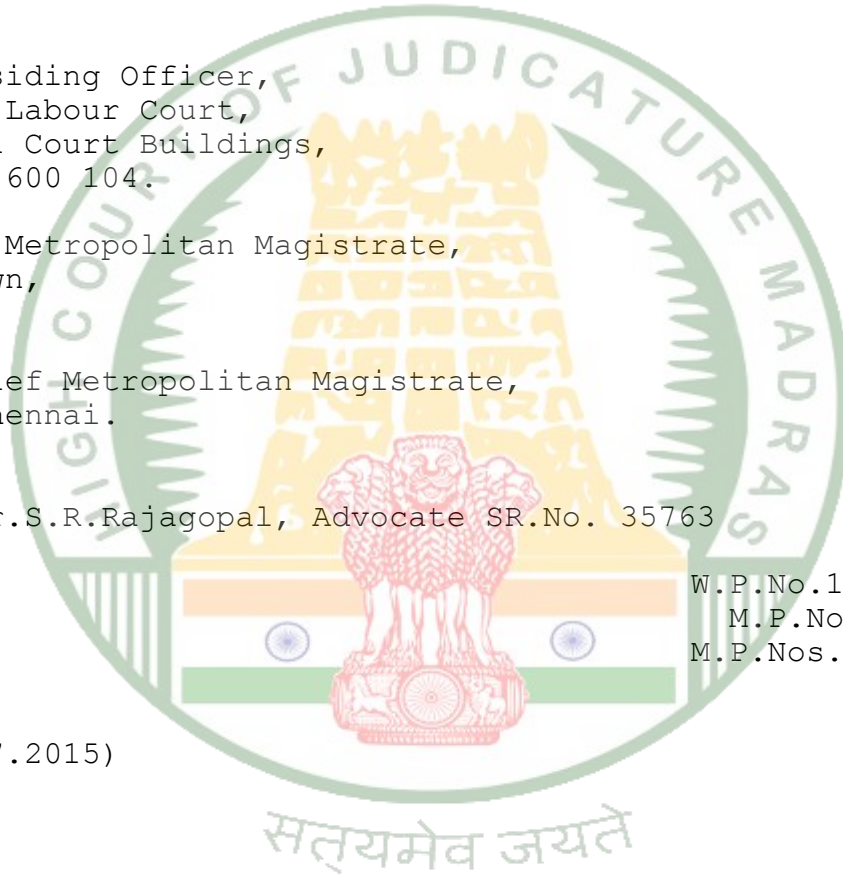
2.The XVI Metropolitan Magistrate,
George Town,
Chennai.

3. The Chief Metropolitan Magistrate,
Egmore, Chennai.

1 CC to Mr.S.R.Rajagopal, Advocate SR.No. 35763

W.P.No.10644 of 2012 &
M.P.No.1 of 2012 and
M.P.Nos. 1 & 2 of 2014

RV (CO)
PSI (20.07.2015)



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