

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.06.2015
CORAM

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Writ Petition No. 36064 of 2004

Shanmuga Arts Science Technology &
Research Institute (SASTRA)
a deemed to be University
having its Registered Office at
Chennai and Campus at
Thirumalasangamudram
Thanjavur District
Rep. by its Registrar

.. Petitioner

Versus

1. The Presiding Officer
Labour Court
Cuddalore

2. P. Thiruthivaswamy

.. Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for a Writ of Certiorari calling for the records relating to the award passed by the Labour Court, Cuddalore in I.D. No. 351 of 1992 dated 11.12.2003, and quash the same.

For Petitioner : Mr. Niranjan Raja Gopalan
for M/s. G.R. Associates
For Respondent : Mr. K. Balakrishnan for R2
R1- Court
ORDER

The above writ petition was referred to Tamil Nadu Mediation and Conciliation Centre, High Court, Madras.

2. A communication dated 22.04.2015 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its report dated 17.04.2015 has been received, wherein it is stated as follows:-

"Both the parties appeared before the Centre along with their counsel. Matter has been settled between them as per the terms cited in the Memorandum of Understanding enclosed. Hence, the matter is sent back to the Honourable Court."

3. The Mediation Agreement dated 17.04.2015 recorded before the Tamil Nadu Mediation and Conciliation Centre would indicate that the Petitioner and the second respondent have arrived at a compromise and settled the dispute among them amicably. The mediation agreement dated 17.04.2015 has been duly signed by the parties which reads as follows:-

"Both sides, out of their own volition and without any pressure or coercion from any side have agreed as follows:-

1. The second respondent agreed to receive a sum of Rs.3,75,000/- (Rupees Three Lakhs and Seventy Five Thousand Only) as full and final settlement of the claims before the Labour Court.

2. The second respondent agreed to give up his claim for reinstatement and back wages

3. Pursuant to the said agreement, the petitioner paid a sum of Rs.3,32,962.50 by way of D.D. No. 651529 dated 16.04.2015 drawn on Indian Overseas Bank, Sastra Branch payable at Sengipatti in favour of the second respondent/P. Thiruthuvaswamy after deducting the amount of Rs.42,037.50 p which is already deposited in ID No. 351 of 1992 in the lower court and now lying in court deposit at labour Court, ***Cuddalore.**

4. The petitioner consents for the withdrawal of the said amount by the second respondent from the labour Court, ***Cuddalore.**

5. With the payment of Rs.3,75,000/-, there will be no future claim against each other.

4. As the petitioner and the second respondent have entered into a settlement which was duly recorded before the Tamil Nadu Mediation and Conciliation Centre in their report dated 17.04.2015, this Writ Petition is ordered on the above terms. No costs. WPMP.No.43391 of 2004 is closed.

Sd/-

Assistant Registrar

*Corrected as per order of this Court, dated 31.8.2018 and made in WMP.No.24652 of 2018 in WP.No.36064 of 2004.

//True Copy//

Sub Assistant Registrar

rsh

The Presiding Officer, Labour Court, Cuddalore. / To be substituted
in the place of of
despatched on 27/7/15

+ 1 cc to Mr.K.Balakrishnan, Advocate Sr.26706
+1cc to Mr.R.Gokulakrishnan, Advocate SR.NO.60272

WP No. 36064 of 2004