

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2016

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 20645 of 2016

&

W.M.P. No. 17720 of 2016

P. Saravanan

..Petitioner

Vs.

1. The Presiding Officer,
Labour Court, Salem.
2. K.K.27, Jerthalav Primary
Agricultural Co-operative
Credit Society Ltd.,
rep. by its President,
Jerthalav Post,
Palacode Taluk,
Dharmapuri District.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 2nd respondent to reinstate the petitioner as a packer in the society and pay all backwages and all other benefits from 01.08.2005 to till date.

For Petitioner :: Mr.C.K. Chandrasekhar

For Respondents:: Mr.M.S. Palaniswamy
for R2

O R D E R

This writ petition has been filed seeking issuance of a Writ of Mandamus directing the 2nd respondent to reinstate the petitioner as a packer in the society and pay all backwages and all other benefits from 01.08.2005 to till date.

2. The 2nd respondent is a registered Society under the Tamil Nadu Co-operative Societies Act and the petitioner has joined the services of the 2nd respondent as a packer during the year 1999 and on 01.08.2005, the petitioner was orally

terminated by the 2nd respondent.

3. Though, according to the petitioner, he is a permanent employee of the 2nd respondent, he was terminated without issuing notice or initiating proceedings under the Tamil Nadu Co-operative Societies Act, 1983. In view of that, the petitioner gave a representation to the 2nd respondent stating that he cannot be terminated without any notice under Section 25F of Industrial Disputes Act, 1947 or without conducting any enquiry as per the provisions of Tamil Nadu Co-operative Societies Act, 1983 as well as the special bye-laws of the Society. Since the said representation was not considered, the petitioner has filed the present writ petition.

4. When the matter is taken up, both the petitioner as well as the President of the 2nd respondent Society appeared before this Court and they have categorically stated that the issue has been settled between themselves and in this regard, a memorandum of settlement, as per Section 18(1) of the Industrial Disputes Act, 1947, dated 05.07.2016, signed by both parties, has been filed and the terms of the conditions of the said settlement read as follows:

"1. The Employer agrees to reinstate the Employee as Packer with continuity of service with effect from 11.07.2016 and agrees to pay the current wages fixed on the basis as if the employee continued in service without being suspended and dismissed and the employer agrees for the same.

2. The employee agrees to give up the claim for backwages.

3. The employer agrees to file a copy of the settlement before the Hon'ble High Court, Madras in W.P.No. 20645 of 2016 and request the Hon'ble Court to record the settlement and pass orders in terms of the settlement.

4. The employee agrees that he has no claim whatsoever against the employer and the employer also agrees that it has no claim whatsoever against the employee."

5. Since both the parties have categorically stated that the issue has been settled and a memorandum of settlement dated 05.07.2016 has also been filed by the parties, the writ petition is disposed of in terms of the memorandum of settlement. The

memorandum of settlement shall form part of the order. No costs.
Connected W.M.P. is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

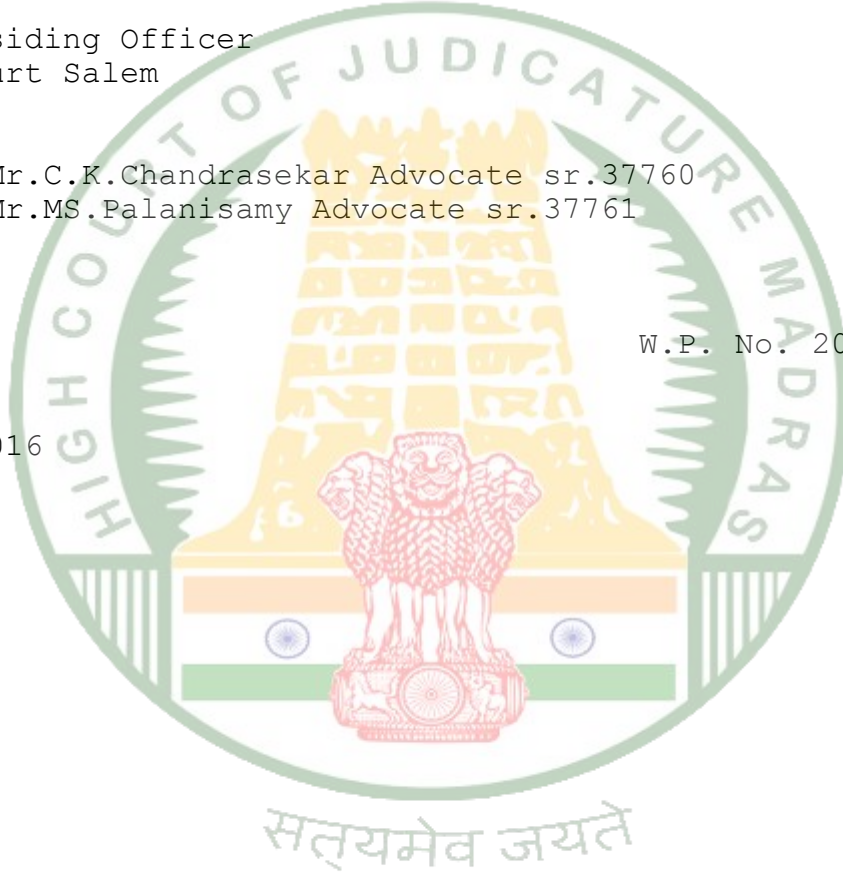
To

1.The Presiding Officer
Labour Court Salem

+1 cc to Mr.C.K.Chandrasekar Advocate sr.37760
+1 cc to Mr.MS.Palanisamy Advocate sr.37761

W.P. No. 20645 of 2016

aa22/07/2016



WEB COPY