

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.11.2016

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.7993 of 2011  
and M.P.No.1 of 2011

S.Selvamary

.. Petitioner

Vs

- 1.The Presiding Officer,  
Labour Court, Cuddalore-1.
- 2.The Secretary,  
Jawahar Higher Secondary School (CBSE),  
Town Club Road, Neyveli,  
Cuddalore District. ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus calling for the records relating to the award passed by the 1<sup>st</sup> respondent dated 31.11.2010 made in I.D.No.135 of 2007 by confirming the order of the 2<sup>nd</sup> respondent Office order No.001/JHSS-EST.RET-2005-2006 dated 09.09.2005 and to quash the same and consequently direct the 2<sup>nd</sup> respondent to reinstate the petitioner with all back wages for the period from 31.03.2005 to 31.03.2009 and allowed her, to retire on 31.03.2009 with all other monetary benefits.

For Petitioner : Mr.D.S.Thirumavalavan  
For R2 : Mr.N.Nithianandam

O R D E R

The petitioner has challenged the award dated 30.11.2010 passed in I.D.No.135/2007 pertaining to his non-employment and sought for reinstatement with backwages from 31.03.2005.

2.Though the petitioner had raised several grounds in this writ petition challenging the award, the learned counsel for the petitioner would submit that if a sympathetic consideration is given by the respondent with regard to compensation in lieu of the non-employment, the same would be acceptable to him.

3. On the other hand, Mr. Mr.N.Nithianandam, learned counsel for the second respondent would submit that the petitioner is not entitled to any reinstatement and the award has been rightly passed.

4. However, in view of the request made by the counsel for the petitioner, on instructions, the learned counsel for the second respondent, offered to pay a sum of Rs.25,000/- as a gracious amount to the petitioner. The learned counsel for the petitioner has also agreed to the same.

5. Under such circumstances, no further adjudication is required in the writ petition. Accordingly, this writ petition is closed. The respondent is called upon to pay the sum of Rs.25,000/- (Rupees Twenty five thousand only) to the petitioner within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kkd

To

- 1.The Presiding Officer,  
Labour Court, Cuddalore-1.
- 2.The Secretary,  
Jawahar Higher Secondary School (CBSE),  
Town Club Road, Neyveli,  
Cuddalore District.

+1cc to Mr.Thirumavalavan, Advocate, S.R.No.  
+1cc to Mr.N. Nithanandam, Advocate, S.R.No.64580

sai (CO)  
md(24/11/2016)

W.P.No.7993 of 2011 and M.P.No.1 of 2011