IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2016

Coram

The Honourable Mr.Justice HULUVADI G.RAMESH
and
The Honourable Mr.Justice V.PARTHIBAN

W.A. No.1024 of 2016 and
CMP No.13350 of 2016

The Management of
Amalgamation Repco.Ltd.,
J Garden, GNT Road,
Chennai-600 110 .. Appellant/Petitioner

Vs.

1. The Presiding Officer,
I Additional Labour Court,
Chennai.

2. G.Karunakaran ...Respondents/Respondents

Writ Appeal is filed under Clause 15 of the Letters Patent, against the order dated 07.11.2013 in W.P.No.30159 of 2013 passed by the learned single Judge of this Court.

This Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records from the file of the 1st respondent herein in I.D.No.945 of 2001 and quash the award dated 17.6.2013 passed by the 1st respondent.

For Appellant : Mr. V.Karthick

For Respondent : Mr.Balan Haridas

JUDGMENT

(Judgment of the Court was delivered by
HULUVADI G.RAMESH, J.)

This Writ Appeal has been directed against the order of the learned single Judge, dated 07.11.2013 in W.P.No.30159 of 2013, dismissing the writ petition filed by the appellant/Management aggrieved by the award of the Tribunal, which directed reinstatement of the second respondent in service with full back wages from the date of termination till the date of attaining superannuation with all attendant benefits.

2. When this appeal is taken up for hearing, the learned counsel appearing for the parties have filed a joint memo duly signed by the parties, stating that they had arrived at a settlement over the dispute and prayed this Court to dispose of the writ appeal in terms of the settlement.

3. Terms of settlement mentioned in the Joint memo, are as follows:

> 1. Workman, Mr.G.Karunakaran agrees and accepts the order of termination dated 4.5.2001 and agrees not to press and award of the Labour Court in I.D.No.945 of 2001 dated 17.6.2013. Workman Mr.G.Karunakaran further states that he shall have no claim against the Management for wages or any other benefits for the period after 4.5.2001.
>
> 2. The Management considering the facts and circumstances in order to give a quietus to the dispute on humanitarian grounds agreed to pay a sum goodwill exgratia amount for the period from 2002 to 2009. The goodwill amount shall be spread over in the following manner:

2002	Rs. 95,000
2003	Rs.1,00,000
2004	Rs.1,00,000
2005	Rs.1,00,000
2006	Rs.1,00,000
2007	Rs.1,00,000
2008	Rs.1,00,000
2009	Rs.98,120
Total:	Rs.7,93,120/-

> Worman Mr.G.Karunakaran states that he has not earned any other income between 2002-2009. In terms of Section 89 of the Income Tax Act, the amounts payable in terms of the settlement shall be spread over during the respective years and he may claim refund of the tax deducted by the company in his return of income from the Income Tax Department.
>
> 4. Apart from payment mentioned above workman Mr.G.Karunakaran shall be paid gratuity of Rs.1,06,880/-.
>
> 5. Workman Mr.G.Karunakaran agrees with total satisfaction, to accept the amount mentioned in Clause 2 and 2 above in full and final settlement of all his contractual and statutory monetary dues.

6. Workman Mr.G.Karunakaran agreed that no claim whatsoever against the Management for any monetary sum, direct or indirect or employment or otherwise. Workman Mr.GKarunakaran further agrees and accepts that the amount paid in terms of Clause 2 is only ex-gratia goodwill amount and hence no Provident Fund or any other contribution thereon is payable.

7. Both parties agree to file a copy of the settlement before the Hon'ble High Court of Madras in W.A.No.,1024 of 2016, pray that the settlement be substituted in place of the award of the Labour Court and an order be passed in terms of the settlement.

8. both parties shall have no claim against the other after this settlement."

Recording the above, the Writ Appeal is disposed on the above terms. No costs. Consequently, connected CMP is closed. The terms of settlement shall form part of this order. It is needless to state that the second respondent/workman can claim refund of the tax deducted by the company, from the Income Tax Department in terms of the provision of the Income Tax Act.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

The Presiding Officer,
I Additional Labour Court,
Chennai.

+1cc to Mr.Balan Haridas, Advocate SR.63580
+1cc to M/S.T.S.Gopalan & Co, Advocate Sr.63556

W.A.No.1024 of 2016

sr[co]
srg 23/12/2016