IN THE HIGH COURT OF JUDICATUARE AT MADRAS

DATED: 12-08-2016

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.29530 of 2010 and MP Nos.1 & 2 of 2010
and WP No.16720 of 2011 and MP No.1 of 2011

The Management
Rep by A. Sudhakar Rao,
M/s. Arkay Leathers (P) Limited,
No.183, Sidco,
Ranipet. ... Petitioner in both WPs

Vs.

1. The Presiding Officer,
Principal Labour Court,
Vellore.

2. A.S. Palani ... Respondents in both WPs

Prayer in WP No.29530 of 2010: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order dated 21.10.2008 passed in ID.No.83 of 2007 on the file of the first Respondent and quash the same and consequently remand back the case for fresh disposal.

Prayer in WP No.16720 of 2011: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified calling for the records pertaining to the order passed in C.P.No.19 of 2009 against I.D.No.83 of 2007 dated 11.03.2011 on the file of the 1st respondent and quash the same.

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For Petitioner in both WPs : Mrs.N.A.Thara

For R- 2 in both WPs : Mr.V.Ajaykhose

R1 : Labour Court (in both WPs)

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COMMON ORDER

The second respondent raised an industrial dispute in ID.No.83 of 2007 before the Labour Court regarding his non-employment by the petitioner herein who was set exparte passing an exparte award. A condone delay application was filed to set aside the said exparte award in I.A.No.93/2010 and the same was dismissed by an order dated 09.07.2010. The said order is the subject matter of Writ Petition No.29530 of 2010.

2. Subsequently, the second respondent field computation petition before the Labour Court in C.P.No.19 of 2009 claiming backwages and other benefits passed on the above exparte award and the said computation was allowed on 11.03.2011 directing the petitioner herein to pay the monetary benefit of Rs.1,34,220.87. Against the said order, the petitioner Management filed W.P. No.16720 of 2011. In the above writ petition, a conditional order of stay was granted to deposit the entire amount of Rs.1,34,220.87 before the Labour Court and the same was deposited by the management on 19.08.2011.

3. When the matter is called today, a memo of compromise entered into between the petitioner and the second respondent workmen dated 21.07.2016 duly signed by the parties has been filed before this court. A perusal of the said memo of compromise would reveal that the petitioner management agreed to pay a sum of Rs.1,80,000/- to the second respondent workmen as full and final settlement and the same has been accepted by the second respondent workmen. The petitioner management by the memo of compromise also gives its consent for withdrawal of the said amount of Rs.1,34,220.87 already deposited with the Labour Court along with interest by the second respondent workmen. The remaining amount of Rs.45,780/- has been paid to the workmen by way of Demand Draft No.928759 dated 15.07.2016 drawn on Canara Bank and regarding which a receipt dated 21.07.2016 signed by the second respondent workmen has been given.

4. Since the settlement under Section 18 (1) of the Industrial Dispute Act, 1947 has been arrived, which is proved by the above said memo of compromise dated 21.07.2016, both the writ petitions are disposed as in terms of the above settlement under Section 18 (1) of the Industrial Dispute Act. The settlement under Section 18 (1) of the Industrial Dispute Act shall form part of the order.

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5. In the result, both t he writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

kp/rgr

To

The Presiding Officer,
Principle Labour Court,
Vellore.

2 ccs to Mrs.N.A.Thara, Advocate, sr.46326 & 46213

W.P.Nos.29530 of 2010
& W.P No.16720/2011

ev co
kra 16.08.2016

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