

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.03.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.3616 of 2016

and

W.M.P.No.2984 of 2016

G.Meganathan

...Petitioner

Vs.

1. The Labour Officer,  
District Collector Compound,  
Salem - 636 001.
  2. The Management of  
S.A. 62 Peria Kalrayan Hill Tribe Lamp,  
(Large Size Multipurpose) Co-operative  
Society Ltd., rep. by its President,  
Soolankurichi & P.O.  
Attur Taluk, Salem District,  
PIN 636 138.
  3. N.Andi  
R-3 impleaded, as per order dt.24.02.2016 passed in  
W.M.P.No.5390 of 2016 of this W.P.)
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the second respondent to reinstate the petitioner in service with backwages with effect from 10.08.2015, as per 12 (3) settlement, entered into between the petitioner and the second respondent, dated 10.08.2015.

For Petitioner : Mr.S.Ayyathurai

For Respondents1 &2 : Mr.E.M.S.Natarajan  
Government Advocate

For Respondent-3 : Mr.K.Premkmar

O R D E R

The petitioner has filed this Writ Petition for the following relief:-

To issue mandamus upon the second respondent to reinstate the petitioner in service with backwages with effect from 10.08.2015, as per 12 (3) settlement entered into between the petitioner and the second respondent, dated 10.08.2015.

2. Heard the learned counsel appearing for the parties.

3. The President of the respondent/Society has not filed counter affidavit, but the Vice President of the Society, who was impleaded as third respondent, raised an objection, stating that the President of the Society was not authorized to enter into any settlement. However, it has to be noted that settlement was entered into between the petitioner and the second respondent, in terms of 12 (3) of Industrial Disputes Act, 1947, before the Labour Officer. Therefore, as long as settlement has not been challenged and canceled in the manner known to law, the petitioner could seek for enforcement of the settlement. Accordingly, the Writ Petition is disposed of, granting liberty to the petitioner to enforce the terms of the settlement, by filing proper application before the Labour Court, Salem, which shall be considered on merits and in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Asst.Registrar (AS)

/true copy/

Sub Asst. Registrar

sd

To

1. The Labour Officer,  
District Collector Compound,  
Salem - 636 001.
2. The President  
Management of  
S.A. 62 Peria Kalrayan Hill Tribe Lamp,  
(Large Size Multipurpose) Co-operative  
Society Ltd.,  
Soolankurichi & P.O.  
Attur Taluk, Salem District,  
PIN 636 138.

3. N. Andi  
vice President  
SA-62 Perioa Kalrayam Hill Tribe Lamp  
(Large Size Multipurpose)  
Co op, Society Ltd.,  
Soolankurichi & Po-636 138  
Atur TK., Salem District

1 cc to Government Pleader, Sr. 19768  
1 cc to Mr.K. Premkumar, Advocate, Sr. 19558  
1 cc to Mr.S. Ayyathurai, Advocate, Sr. 19433

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