

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.01.2017
CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. Nos. 11535 & 11536 of 2011
and
M.P. Nos. 2, 2, 3 & 3 of 2011

1. P.R. Sridharan
 2. R. Ramachandran
 3. P.V. Ramachandran
V. Srinivasan (Deceased)
K.S. Subramaniam (Deceased)
 6. N. Balasubramaniam
 7. R. Venkataraman
 8. V. Venkataramanan
 9. G. Vasantha
W/o. K.S. Subramaniam
 10. S. Shankaranarayanan
S/o. K.S. Subramaniam
 11. S.S. Bhavani
D/o. K.S. Subramaniam
(P9 to 11 are substituted as LR's
of deceased P5 K.S. Subramaniam
as per order dated 25.01.2017 by
D.K.K. of WMP.NO.982/17 in WP.11535/11)
 12. Prathibha Srinivasan
W/o. V. Srinivasan (Late)
 13. Sriram Srinivasan
S/o. V. Srinivasan (Late)
 14. Swetha Srinivasan
D/o. V. Srinivasan (Late) .. Petitioners in
W.P. No.11535 of 2011
- P12 to P14 are substituted as LR's
deceased P4 V.Srinivasan as per
order dated 25.1.17 by D.K.K.J in
WMP.983/17 in WP.11535/11

1. G. Ramani
2. V. Loganathan
3. V. Ramachandran
4. V. Murali
5. S. Ramasamy
6. P.N. Rajan

.. Petitioners in
W.P.No.11536/2011

Vs.

1. The Central Board of Direct Taxes
rep. By its Member (IT)
Department of Revenue
Government of India
North Block,
New Delhi -110 001.
2. The Commissioner of Income Tax
Kolkatta -III,
P7 Chowringhee Square
Ayakar Bhawan,
Kolkata -700069.
3. The Britannia Industries Ltd.,
rep. By its Chief Executive Officer
Britannia Gardens,
Airport Road
Vimanapura,
Bangalore - 560 017.
4. The Britannia Industries Ltd.,
Officers Pension Fund
Rep. by its Managing Trustees
Britannia Gardens,
Airport Road
Vimanapura,
Bangalore - 500 017.

.. Respondents in
both W.Ps.

PRAYER in both WPs: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for records relating to the orders dated 30.03.2011 bearing Ref. No. F.No.225/171/2008-ITA.II and dated 31.03.2011 bearing Ref.No. F.No.225/144/2008-ITA.II passed by the 1st respondent Authority and quash the same insofar as the fresh deed of variation would take effect from 01.11.2004 as being illegal, arbitrary, unreasonable and contrary to the judgment of the Supreme Court reported in 2005 (8) SCC 404 and for a consequential Mandamus to the 2nd

respondent to apply the fresh deed of variation to those employees who have entered the services of the 3rd respondent company on or after 01.11.2004 without adversely affecting the rights and benefits of employees appointed prior to 01.11.2004 after giving an opportunity of hearing to them before approving the fresh deed of variation and to pass further orders.

For Petitioners : Mr. Govardhan
in both cases for M/s. Row & Reddy

For Respondents : Mr. Joseph George Mayiladupuna
in both cases for R1 & R2

Mr. C. Seethapathy
for M/s. P.R. Raman for R3 & R4

C O M M O N O R D E R

Learned counsel for the petitioners submitted that he may be permitted to withdraw the writ petitions since settlement has been entered between the parties. He has also made an endorsement to that effect.

2. Recording the submission and the endorsement made by the learned counsel for the petitioners, the writ petitions are dismissed as withdrawn. Consequently, the connected M.Ps are closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

avr
To

1. The Member(IT)
The Central Board of Direct Taxes
Department of Revenue
Government of India
North Block, New Delhi -110 001.
2. The Commissioner of Income Tax
Kolkatta -III, P7 Chowringhee Square
Ayakar Bhawan, Kolkata -700069.

+1 cc to M/s.Row and Reddy for Petitioner sr 4794
+1 cc to M/s.J.Narayanaswamy Advocate sr 5245
+1 cc to Mr.P.R.Raman Advocate sr 4951

W.P. Nos. 11535 & 11536 of 2011
and
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Pk(co)
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