

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2017

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.21477 of 2013

V.Vijayaraman

... Petitioner

Vs

1.The Presiding Officer
II Additional Labour Court
Chennai 600 104.

2.The Management of E.I.H.
Associaed Hostel Ltd.,
No.1/24, G.S.T.Road
Chennai 27.

3.Mr.Peter Richard Yu
TOLVP Catering Services
Float No.1-H, Reliance Apartments
No.8/8, Perambur High Road
Jamalia, Chennai 11.

... Respondents

PRAYER: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order made in I.D.No.261 of 2001 dated 08.10.2012 passed by the first respondent and further directing the first respondent to restore the same on the file of the first respondent.

For Petitioner : Mr.A.Nagarathinam
For Respondents : R1-Court
: Mr.R.Parthiban for R2
: R3 - No appearance

O R D E R

The learned counsel appearing both for the writ petitioner as well as the second respondent management submitted that the parties have arrived at a compromise and filed a Joint Memo dated 11.10.2017 which reads as follows:

1. The above writ petition is filed by the petitioner challenging the award of the labour court wherein the claim of the petitioner before the labour court was dismissed for default and non-prosecution.

2.The claim of the petitioner was that he was working as a Senior Cook in the second respondent Hotel and he was orally retrenched from service on 10.08.2000 without assigning any reason nor any prior notice was issued to him. Aggrieved by his alleged retrenched he had raised an industrial dispute and the same was numbered as ID No.261 of 2001 against the second and third respondent. Since the case was not prosecuted by the petitioner or his counsel the same was dismissed for non-prosecution by the first respondent herein. Aggrieved by this award passed by the first respondent, the petitioner preferred the above W.P.No.21477 of 2013.

3.It is submitted that the dispute between the petitioner and respondent management has been pending for nearly 17 years before the labour court and this Hon'ble Court and therefore due to the efflux of time both the parties have agreed for settlement on the following conditions:

4.The second respondent will pay a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) as full and final settlement of all the disputes between the parties including the above disputes without any further claim whatsoever against the second and third respondent. The petitioner further agrees that he will not claim reinstatement or any monetary benefit or any other benefits from the second and third respondent hereafter. This Joint Memorandum may be recorded and orders passed in terms thereof.

2. The Joint Memo was signed by the petitioner and the second respondent signed the same on behalf of respondents 2 and 3. The learned counsel for the second respondent states that the third respondent is the contractor engaged by the second respondent company and the Memo is filed on behalf of respondents 2 and 3.

3. In view of the submission made and the Joint Memo filed, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

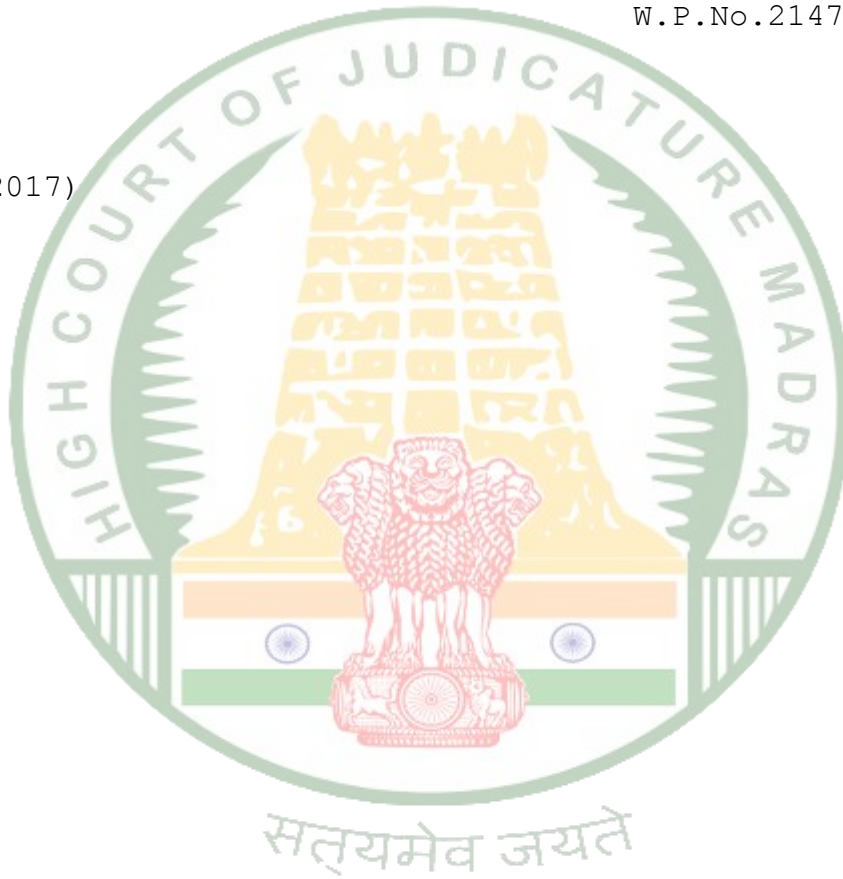
To

The Presiding Officer
II Additional Labour Court
Chennai 600 104.

+ 1 cc to Mr.R. Parthiban, Advocate SR.72994

W.P.No.21477 of 2013

RJ(CO)
EU(22/11/2017)



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