

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2017

CORAM

THE HON'BLE Mr. JUSTICE V.PARTHIBAN

W.P.No.21272 of 2006

and

M.P.Nos.1 and 2 of 2006 and 3 of 2007

Pepsico India Holdings Limited,
6 GST Road,
Mamandur Village - 603 111
Maduranthagam Taluk,
Tamil Nadu rep. by
H.Kannan, VP -HR ... Petitioner

Vs.

1.The Presiding Officer,
Industrial Tribunal, Chennai.

2.T.Janakiraman ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records and quash the order dated 19.05.2006 in A.P.No.6 of 1999 on the file of the first respondent Industrial Tribunal, Chennai.

For Petitioner .. M/s.Gupta and Ravi

For Respondents .. Mr.Ajoy Khose for R2
R1 - Tribunal

ORDER

Challenging the order of the first respondent dated 19.05.2006, the petitioner has filed the present writ petition.

2.When the matter came up for hearing today, learned counsel appearing for the petitioner would submit that settlement has been arrived at between the management and the workmen under Section 18 (1) of the Industrial Disputes Act, 1947. A copy of the memorandum of settlement has been furnished to this Court. The terms of the memorandum of settlement read as under:

a)The employee hereby agrees and accepts that the order of termination dated 26.06.1999 is final and binding on him.

b)In consideration of the above, the employer has agreed to pay the employee a lump sum consideration of Rs.15 lakhs (Rs.Fifteen Lakhs only) inclusive of all and every claims of the employee against the employer, including but not limited to back wages, leave salary, bonus and gratuity for the period of service rendered by him till the date of his termination.

c)The employee hereby agrees that apart from the payment of the aforesaid sum of money he will not be entitled to claim any benefits, monetary or otherwise, including any claim for reinstatement/re-employment.

d)The employee hereby agrees that the aforesaid payment of Rs.15 lakhs made by the employer is in full and final settlement of all the claims of the employees, monetary or otherwise, including any claim for reemployment/reinstatement and that he has no further claims monetary or otherwise against the employer.

e)The employee hereby agrees that in view of the payment made by the employer, the employer is entitled to withdraw the sum of Rs.1,70,000/- deposited by the employer pursuant to the order dated 16.03.2007 in M.P.No.3 of 2007 in W.P.No.21272 of 2006 on the file of the Industrial Tribunal, Chennai.

f)Both the parties agree to file the settlement before the Hon'ble High Court, Madras with a prayer to dispose of W.P.No.21272 of 2006 in terms of this settlement.

3.Recording the memorandum of settlement, the writ petition stands disposed of. The memorandum of settlement dated 04.08.2017 shall form part of the order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

The Presiding Officer,
Industrial Tribunal,
Chennai.

+ 1 cc to M/s. Gupta and Ravi, Advocate Sr.58051

W.P.No.21272 of
2006

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