

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.8396 of 2016
and
W.M.P.No.7439 of 2016

K.Subramani

... Petitioner

Vs

1. The Presiding Officer,
1st Additional Labour Court,
High Court Buildings,
Chennai 600 104.
2. The Management of Trishla Gear Industries.
239, Vanagaram Road,
Athipet, Ambattur,
Chennai 600 058.

... Respondents

Petition filed under Article 226 of The Constitution of India seeking to issue a writ of certiorarified mandamus to call for the records of the first respondent dated 28.08.2014 made in I.D.No.385 of 2010 on the file of the I Additional Labour Court, Chennai, quash the same and consequently direct the second respondent to reinstate the petitioner into the service with entire backwages and other attendant benefits.

For Petitioner : Mr.S.Mohanasundararajan
R2 : Mr.Haroon for M/s.T.S.Gopalan
Associates
R1 : Tribunal

ORDER

Challenging the order of the first respondent dated 28.08.2014 made in I.D.No.385 of 2010 with a consequential prayer of directing the second respondent to reinstate the

petitioner into service with entire backwages and other attendant benefits, the petitioner has come up with the present writ petition.

2. By order dated 20.03.2017, the matter has been referred for mediation to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras.

3. A communication of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, dated 26.04.2017 enclosing a copy of its report dated 25.04.2017 has been received, wherein it is stated as follows:-

"Both the parties appeared before the centre along with their counsel. Parties settled the disputes amicably between them and filed the Memorandum of Compromise and the same is enclosed. Hence the matter is sent back to the Hon'ble Court."

4. The parties have arrived at a settlement and the compromise memo dated 25.04.2017 has been signed by the parties, duly attested by the respective counsel. The terms of the compromise memo dated 25.04.2017 read as under:

1. Worker Thiru.K.Subramani hereby accepts that he was not denied employment on 20.10.2009 and he stopped reporting for work on his own volition. (subsequently deleted)

2. Worker Thiru.K.Subramani hereby states that he would not press the award passed in I.D.No.385 of 2010 granting compensation and would not press the writ petition filed before High Court in writ petition 8396/2016.

3. In consideration of Clause 1 and 2 above, the Management taking into account the years of service put in by the Worker Thiru.K.Subramani hereby pays a sum of Rs.1,05,000/- by way of Axis Bank DD No.022419 dated 24.04.2017 as full and final settlement of all his claims including claim for reemployment, gratuity and other statutory dues.

4. Worker Thiru.K.Subramani hereby confirms the receipt of above said sum as full and final settlement, including claim for employment, gratuity, earned leave, bonus and all other statutory benefits.

5. Worker hereby further confirms that on receipt of the above said sum, the award of the Labour Court

shall be deemed to be duly met and he has no claim whatsoever against the Management in future.

6.Both parties agree to file a copy of this settlement in writ petition 8396/2016 and pray for an order in terms of settlement.

7.Worker hereby agrees that the contents of the settlement have been read over to him in Tamil and has understood the same and accepted the settlement on his own volition.

5. The writ petition is disposed of in terms of the compromise memo dated 25.04.2017 and the compromise memo shall form part of the order. No costs. Consequently, connected miscellaneous petition is closed.

(Xerox Copy of Memo of compromise
dt.25.04.17 is enclosed)

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mmi

To

The Presiding Officer,
I Additional Labour Court,
High Court Buildings,
Chennai 600 104.

W.P.No.8396 of 2016

ev(co)
rmp(09/05/17)

WEB COPY