

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2018

CORAM:

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.Nos.1197 and 1198 of 2017
and

C.M.P.Nos.18629, 16911 and 16912 of 2017

Karen Viswanath ... Appellant in both W.As/Petitioner

... Vs ...

1. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Joint Director,
Anglo-Indian Schools,
DPI Campus, College Road,
Chennai - 600 006.
3. The Inspector,
Anglo-Indian Schools,
DPI Campus, College Road,
Chennai - 600 006.
4. The Correspondent,
Doveton Girls' Higher Secondary School,
Vepery, Chennai - 600 007.
5. The Doveton Protestant Schools Association,
represented by its Secretary,
Vepery, Chennai - 600 007.
6. H.E.Wilkins,
Presently Correspondent,
Doveton Girls' Higher Secondary School,
Vepery, Chennai - 600 007.

... Respondents in both W.As./Respondent

Prayer in both W.As.: Writ Appeals filed under Clause 15 of The Letters Patent, against the order dated 08.09.2017 passed by this Court in W.P.No.13640 and 14455 of 2017 respectively.

Prayer in wp.13640 of 2017:

Petition filed Under Article 226 of the Constitution of India for issuance of a writ of certiorari to call for the records of the 4th respondent dated 18.5.2017 issued at the instance of the 5th respondent and quash the same as arbitrary, tainted with malafides and in violation of principles of natural justice and without jurisdiction

prayer in wp.14455 of 2017:

Petition filed Under Article 226 of the Constitution of India for issuance of a writ of certiorari to call for the records of the 4th and 5th respondents dated 26.05.2017 received by the petitioner on 07.06.2017 and quash the same as arbitrary and malafiede.

In both W.As.

For Appellant : Mrs.Dakshayani Reddy
For RR-1 to 3 : Mr.K.Karthikeyan
Government Advocatae
For RR-4 to 6 : Mr.N.D.Bahety

COMMON JUDGMENT

(Judgment of the Court was made by
HULUVADI G.RAMESH, J.)

Writ Appeals are directed against the common order dated 08.09.2017 passed by the learned Single Judge in W.P.Nos.13640 and 14455 of 2017.

2. Today, when the matters are taken up for hearing, a joint memo of compromise dated 09.02.2018 entered into between the appellant and respondents 4 to 6, signed by the parties and duly attested by their respective counsel has been produced. The joint memo of compromise reads as under:-

"1) That the Appellant shall immediately submit her letter of voluntary retirement from service with effect from 01.02.2018 to the 4th Respondent, with copy thereof to the 3rd Respondent.

2) That the Respondents 4 to 6 shall pay a consolidated sum of Rs.45,00,000/- (Rupees Forty Five Lakhs only) to the Appellant in full and final settlement of all her accounts whatsoever, including salary, gratuity and all other benefits and allowances whatsoever due and payable to her by the Respondents 4 to 6.

3. That the Respondents 4 to 6 shall be permitted to pay the said sum of Rs.45,00,000/- (Rupees Forty Five Lakhs only) to the Appellant in Nine consecutive installments of Rs.5,00,000/- (Rupees Five Lakhs only) per month commencing from 15.02.2018 onwards. The said payment shall be made by way of deposit in her salary account No.455005397 with Indian Bank, Purasawalkam Branch, Chennai. In the event of the Respondents 4 to 6 failing to pay the amount, the unpaid amount shall carry an interest of 9% per annum.

4) That the Respondents 4 to 6 shall forward the proposal under the Contributory Pension Scheme (CPS No.977261) and Special Provident Fund Proposal in respect of the Appellant to the 3rd respondent within one month from the date of execution of this Joint Memo.

5) That the Respondents 4 to 6 shall return to the Appellant forthwith all her original certificates submitted by her at the time of appointment along with Service Certificate immediately (to be handed over while submitting the voluntary retirement letter).

6) That the Appellant shall forthwith withdraw Contempt Petition No.1046 of 2017 and Contempt Petition No.1160 of 2017 on the file of the High Court of Judicature at Madras and filed by her against the 6th Respondent and Another.

7) That either party has no other claim whatsoever on the other."

3. The joint memo of compromise filed by the appellant and respondents 4 to 6 is recorded and both the Writ Appeals are disposed of in terms of the compromise entered into between the parties as above. The Joint Memo of compromise dated 09.02.2018 shall form part of the judgment. The connected miscellaneous petitions are closed. No costs.

4. We appreciate the efforts made by the learned counsel for the respective parties and as well as the magnanimity of the parties in understanding the issue to put an end to the litigation.

(XEROX COPY OF MEMO OF COMPROMISE IS ENCLOSED)

Sd/-
Assistant Registrar (CS-vi)

//True Copy//

Sub Assistant Registrar

Jrl
To

1. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Joint Director,
Anglo-Indian Schools,
DPI Campus, College Road,
Chennai - 600 006.
3. The Inspector,
Anglo-Indian Schools,
DPI Campus, College Road,
Chennai - 600 006.

+2cc to Mr.ND BAHETY Advocate, S.R.No. 10398
+1cc to MR.DAKSHYANI REDDY, Advocate, S.R.No. 10320
+1cc to the Government Pleader, S.R.No.10629

W.A.Nos.1197 and 1198 of 2017

GP (CO)
TR(14/03/2018)

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