

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2018

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P.No.39815 of 2002

The Management of
Madras Engineering Industries,
C-6, Ambattur Estate,
Chennai - 600 058. Petitioner

Vs

1. The Presiding Officer
II Additional Labour Court,
City Civil Court Buildings,
High Court Compound,
Chennai - 600 104.
2. Quicket Fernando
27, Sivasankaran Street,
Kamarajapuram,
Chennai - 600 058. Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of certiorari to call for the records in I.D.No.367 of 1995 on the file of the first respondent, II Additional Labour Court, Chennai and to quash the award, dated 20.03.2002 in I.D.No.367 of 1995.

For Petitioner : Ms.D.Veda

For Respondents : Mr.K.Bharathi for R2

ORDER

The prayer sought for in this writ petition is for a writ of certiorari to call for the records in I.D.No.367 of 1995 on the file of the first respondent, II Additional Labour Court, Chennai and to quash the Award, dated 20.03.2002.

2. This writ petition had been filed by the Management against the award of the Labour Court made in I.D.No.367 of 1995 on the file of the first respondent, i.e., II Additional Labour Court, Chennai, by award dated 20.03.2002.

3. Heard Ms.D.Veda, learned counsel appearing for the petitioner and Mr.K.Bharathi, learned counsel appearing for the second respondent.

4. When the case is taken up for final hearing today, the learned counsel appearing for the petitioner management has submitted that, there had been a settlement reached between the parties under Section 18(1) of the Industrial Disputes Act, 1947 on 03.09.2018 and in view of the said settlement, a lumpsum amount of Rs.11 lakhs had been paid to the second respondent, which he has already received as a full quit and final settlement.

5. She would further submit that, since a sum of Rs.43,250/- was deposited on 12.12.2002 as per the directions of this Court as an interim measure, out of which pursuant to the permission granted by this Court, 50% was withdrawn by the second respondent. However, the remaining 50% was still lying with accrued interest and therefore as per the clause of settlement, dated 03.09.2018, the said amount has to be withdrawn by the petitioner management. Therefore, permission to that effect can be given to the petitioner by recording the settlement under Section 18(1) of the Act.

6. The learned counsel appearing for the second respondent also has endorsed and reiterated the said stand taken by the petitioner management, as he has agreed that there had been a settlement on 03.09.2018 under Section 18(1) of the Act and based on the terms of the settlement, the entire issue between the petitioner management of the second respondent employee has been settled as a full and complete settlement.

7. In view of the aforesaid development, this Court is inclined to dispose of this writ petition with the following order :

(1) The memorandum of terms of settlement, dated 03.09.2018 reached between the petitioner and the second respondent is taken on record and it shall form part of this order.

(2) The amount paid by way of full settlement to the second respondent shall be spread over the previous years under the provisions of Section 89 of the Income Tax Act r/w Rule 21A of the Income Tax Rules.

(3) The petitioner management shall be at liberty to withdraw the remaining amount, out of Rs.43,250/- deposited on 12.02.2002 pursuant to the interim order passed by this Court with accrued interest by filing formal petition before the said Court.

In view of the settlement reached towards the complete satisfaction of both the parties, by taking into account the said settlement, this writ petition is disposed of as no further order is required to be passed. There is no order as to costs.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

tsvn

To

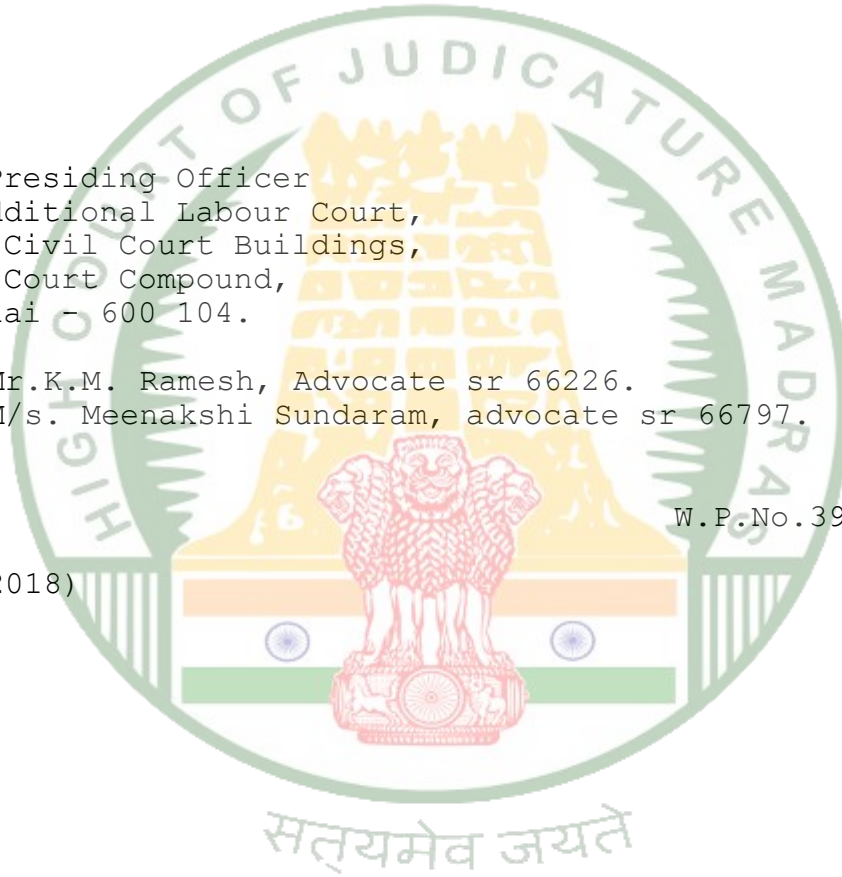
The Presiding Officer
II Additional Labour Court,
City Civil Court Buildings,
High Court Compound,
Chennai - 600 104.

+1 CC to Mr.K.M. Ramesh, Advocate sr 66226.

+1 CC to M/s. Meenakshi Sundaram, advocate sr 66797.

W.P.No.39815 of 2002

SP(09/10/2018)



WEB COPY