

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE R.SURESH KUMAR

W.P.No.44990 of 2002
and W.P.M.P.No.65796 of 2002
and W.V.M.P.No.1369 of 2003

The Management of
M/s.Mohan Breweries and Distelleries Limited, (Glass Divn),
Near PIPDIC Industrial Estate,
Mettupalayam,
Pondichery 605 009
Rep. by its Executive Director Petitioner

Vs

1.State of Pondicherry,
Represented by its Secretary,
Labour & Employment Department,
Pondicherry.

2.The Labour Officer,
(Conciliation),
Pondicherry.

3.D.Pushparaj

4.J.Jacob Selvaraj,

5.S.Jayaraman

6.V.Arjunan

7.S.Ramamoorthy

8.S.Kuppuswamy

9.S.Nagammal

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the Second Respondent in proceedings No.322/02/LO (C)/AIL and quash the conciliation report dated 13/20-9-2002.

For Petitioner : Mr.T.S.Akash
for M/s.T.S.Gopalan & Co.,

For Respondents : Mr.J.Kumaran, GA(Pondy)
for R1 and R2

Mr.U.Manogar
for R3 to R9

O R D E R

The prayer sought for herein is for a writ of certiorari calling for the records of the Second Respondent in proceedings No.322/02/LO (C)/AIL and quash the conciliation report dated 13/20-9-2002.

2. Heard Mr.T.S.Akash learned Counsel for the petitioner and Mr.J.Kumaran, learned Government Advocate (Pondy) for R1 and R2 as well as Mr.U.Manogar, learned counsel appearing for R3 to R9.

3. The learned Counsel appearing for the petitioner submitted that during the pendency of the writ petition, the private respondents-workman entered into a settlement with the petitioner management and pursuant to the settlement, dated 28.01.2005 all the private respondents, except respondent Nos.8 and 9 have received lumpsum compensation of Rs.30,000 each and accordingly, their services had been terminated as resigned by themselves from 17.01.2015 and the said settlement had been made as a one time final settlement which had been recieved and acknowledged by the five private respondents, i.e. Respondents 3 to 7.

4. Therefore, the learned Counsel for the petitioner submits that, by recording the said settlement reached between the petitioner and the private respondents, this writ petition can be disposed of.

5. In so far as the respondents 8 and 9 are concerned, it is the submission of the learned counsel for the petitioner that in respect of those respondents, the petitioner is ready and willing to withdraw the writ petition. He has also made an endorsement to that effect in the court bundle.

6. Per contra, Mr.U.Manogar, learned counsel appearing for the private respondents would submit that, even though it was claimed by the management that the settlement has been reached between the parties, it was not informed to him by his clients. Therefore according to him, there had been no instructions to that effect from the respondents.

7. Be that as it may, the fact remains that there had been settlement between the petitioner and atleast by some of the private respondents herein as early as on 28.01.2005. By taking

into account the said settlement , this Court is inclined to dispose of this writ petition.

8. With the result, the following order is passed :

(i) The settlement dated 28.01.2005 between the petitioner and the respondents 3 to 7 shall form part of this order.

(ii) Therefore, in so far as the said five respondents i.e., R3 to 7 are concerned this writ petition is ordered by recording the said settlement.

(iii) In so far as the respondents 8 and 9 are concerned, since the petitioner wanted to withdraw the writ petition, permission is granted to withdraw the writ petition and therefore, in so far as the said two respondents, namely respondents 8 and 9 are concerned, the writ petition is dismissed as withdrawn.

With the above terms, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

tsvn / dua

To

1.The Secretary
State of Pondicherry,
Labour & Employment Department,
Pondicherry.

2.The Labour Officer,
(Conciliation),
Pondicherry.

+1 CC to M/s.T.S. Gopalan And Co, Advocate sr 67398.
+1 CC to Govt. Pleader(Puducherry) sr 67649

W.P.No.44990 of 2002

SP(09/10/2018)