

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.265 of 2015

C.Shanmughasundaram

...Appellant

Vs

1.Ramakrishna Theatre

Rep. by its Proprietrix

No.3, Madurai Road, Tiruchirapalli.

2.The Presiding Officer,

Labour Court, Tiruchirapalli.

...Respondents

Prayer:- Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed by this Court in W.P.No.38329 of 2003 dated 04.04.2013.

Prayer in WP.No.38329/2003:Writ petition filed under article 226 of the constitution of India for the issuance of a writ of certiorarified mandamus calling for the records relating the order dated 3.9.2003 in I.D.No.164 of 1992 on the file of the labour Court, Tiruchirapalli and quash the same in so far as compensation is concerned and consequently, direct the first respondent. Theater with continuity of service, back wages and all other attendant benefits.

For Appellant : Mr.Balan Haridas

For Respondents : Mr.R.Parthiban for R1

J U D G M E N T

(Judgment of the Court was delivered by
K.K.SASIDHARAN, J.)

This intra court appeal is directed against the order dated 4 April 2013 in W.P.No.38329 of 2003, whereby and where under, the learned single Judge dismissed the writ petition filed by the appellant.

2. The matter relates to the termination of the appellant from service after conducting enquiry. The Labour Court, Tiruchirapalli, though set aside the order of dismissal was of the view that on account of the strained relationship, it would not be correct to direct reinstatement. Therefore, a sum of Rs.50,000/- was awarded as compensation. When a challenge was made to the Award passed by the Labour Court in I.D.No.164 of 1992, the learned single Judge held that the Award was perfectly correct.

3. The matter was argued at length on 10 April 2018. After hearing the learned counsel for the appellant and the learned counsel for the first respondent, we have mooted a suggestion to the learned counsel for the first respondent that without prejudice to his contentions in the matter, a further amount could be given to the appellant.

4. The learned counsel took time to take instructions from the first respondent. Subsequently, the learned counsel submitted that the first respondent is agreeable for paying a further sum of Rs.50,000/- to the appellant without admitting the case pleaded by him.

5. When the appeal is taken up for hearing today, the learned counsel for the first respondent produced a Cheque bearing No.960379 for a sum of Rs.50,000/- (Rupees Fifty thousand only). The appellant, who is present in Court received the cheque on acknowledgment.

6. The writ appeal is disposed of taking into account the payment made by the first respondent in full and final settlement of the claim made by the appellant. We make it clear that we have not considered the merits of the matter including the legality and correctness of the findings recorded by the Labour Court, in view of the settlement arrived at among the parties. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

The Presiding Officer,
Labour Court, Tiruchirapalli.

+lcc to Mr.Balan Haridas, Advocate SR.No.27598

+lcc to Mr.R.Parthiban, Advocate Sr.No.27829

NRL(CO)

sm:25.4.2018

W.A.No.265 of 2015