

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.10.2018
CORAM:
THE HON'BLE MRS. JUSTICE S.VIMALA
Writ Petition No.26038 of 2011
& M.P.No.1 of 2011

M/s. R.V.S.Industries (P) Ltd.,
Rep. by its Director, P.J.Chelladurai,
483-488 Avinashi Road,
Coimbatore 641 004 ... Petitioner
Vs.

1. The Tahsildar (South), Office of the Tahsildar,
Hosur Road, Coimbatore 641 018
2. Thiru V.Manoharan
3. Tiru. S.R.K.Prasad
4. Ramakrishna Industrials Pvt. Ltd.,
315 MCH Palayan Road,
Jothipuram Post, Perianaicken Palayam, Coimbatore 641 047
5. K.Vengadesan
(R-4 & R-5 impleaded as per the order of
this court dated 27.4.2018 in WMP No.
8971/2018 in WP No.26038/2011) ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the the records of the respondent in Order SR No.182/2011/ID/B.10 dated 27.10.2011 and to quash the same.

For Petitioners : Mr. R.Parthasarathy
For Respondents : Mr. N.Srinivasan, AGP., for R-1,
Mr. C.S.Dhanasekaran, for R-3
Mr. M.Vijayaraghavan, for R-5
No Appearance, for R-4.

O R D E R

This writ petition has been filed by the petitioner challenging the attachment, ordered in terms of Section 27 of the Revenue Recovery Act, towards collection of gratuity amount.

2. The contention of the petitioner was that it was not payable by the petitioner and it is payable only by M/s. Ramakrishna Industries Private Limited.

3. The matter was referred to Mediation Center and before the learned Mediator the matter has been settlement and clauses (6) and (7) of the terms of the settlement reads as under:-

□6. The following settlement has been arrived at between the Parties hereto:

M/s. RVS Industries shall pay a total sum of Rs.1,01,00,000/- (Rupees one crore one lakh only) towards the gratuity claims of 249 workmen of M/s. Ramakrishna Industrial Pvt. Ltd., and 36 workmen of NavIndia Printing Press which led to the passing of the impugned order dated 27.10.2011 and Mr.K.Venkatesan on behalf of the said workmen has agreed to receive the same in

full and final settlement of the said claim in its entirety (list of workmen annexed)

7. By signing this agreement the Parties hereto state that they have no further claims or demands against each other with respect to W.P.No.26038 of 2011 (case no.) and all disputes and differences in this regard have been amicably settled by the Parties hereto through the process of Conciliation/Mediation. The mode of payment and distribution shall be determined as per orders of the Court."

4. In view of the above, the writ petition stands disposed of, in terms of the settlement arrived at between the parties before the learned Mediator. In view of the settlement arrived at, the impugned order stands set-aside.

5. The learned counsel appearing for the petitioner sought for eight weeks time for making payment of Rs.1,01,00,000/- and it is granted accordingly.

5.1. It is made clear that the time of payment starts from 09.10.2018. Such deposit shall be made before the Controlling Authority under the Payment of Gratuity Act, 1972 and on such deposit being made, the controlling authority shall take further course of action for the distribution of the amount, in terms of the settlement / entitlement of the workmen.

5.2. No costs. Consequently, the connected MP is closed.

08.10.2018

Index : Yes / No

Web : Yes / No

Speaking order / Non speaking order

srk

Note to office.: Issue order copy on or before 09.10.2018

To

1. The Tahsildar (South), Office of the Tahsildar,
Hosur Road, Coimbatore 641 018

MRS. S.VIMALA, J.,

srk

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