

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8628 of 2017

The President,
Suzlon Thozhilalargal Sangam,
Rep. by its President Mr.L.Sundaramoorthy,
Affiliated to Center of India Trade Union- (CITU),
Puducherry. ... Petitioner

-vs-

1.The Presiding Officer,
Labour Court,
Puducherry.

2.The Managing Director,
M/s. Suzlon Energy Limited Unit-IV,
Puducherry. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, to direct the second respondent to provide employment to the petitioners in its Puducherry factory as per the award passed in Lok Adalat in ID (L) No.22 of 2013, in terms of clause 13 of the 18(1) settlement dated 12.12.2015, which is a part of the said award.

For Petitioners: Mr.P.R.Thiruneelakandan

For R1 :: Court

For R2 :: M.Vijayan for
M/s.King and Partridge

O R D E R

The relief sought for in this writ petition is to direct the second respondent to provide employment to the petitioners in its Puducherry factory as per the award passed in Lok Adalat in ID (L) No.22 of 2013, in terms of clause 13 of the 18(1) settlement dated 12.12.2015, which is a part of the said award.

2.The prayer sought for in this writ petition is absolutely misconceived. Undoubtedly, the writ petitioner's sangam and the individual employees entered into a settlement with the second respondent, Management. However, by way of negotiation, the matter was settled through Lok Adalat. Lok Adalat accepting the compromise passed an order on 12.12.2015, in respect of the awards passed in ID No.22 of 2013, C.P.No.87 of 2014 and ID.No.15 of 2013.

3.Pursuant to the compromise entered and the order passed by the Lok Adalat, the settlements were also made by the second respondent, Management in favour of the workmen. The fact regarding the settlement of the compensation by the Management passed on the Lok Adalat is not disputed.

However, the learned counsel appearing for the petitioner states that there was a misrepresentation on the part of the Management and therefore, the petitioners are entitled for re-appointment and that is why the present writ petition is filed.

In view of the fact that all the issues relating to the service of the workmen were settled and they had compromised the matter before the Lok Adalat and an order was passed. Pursuant to the order, the amount of compensation was also settled in favour of the workmen. Such being the factum of the case no writ petition can be entertained.

Accordingly, the writ petition stands dismissed. However, there is no order as to costs.

Sd/-

Asst.Registrar (CS IX)

/true copy/

Sub Asst. Registrar

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To

1.The Presiding Officer,
Labour Court, Puducherry.

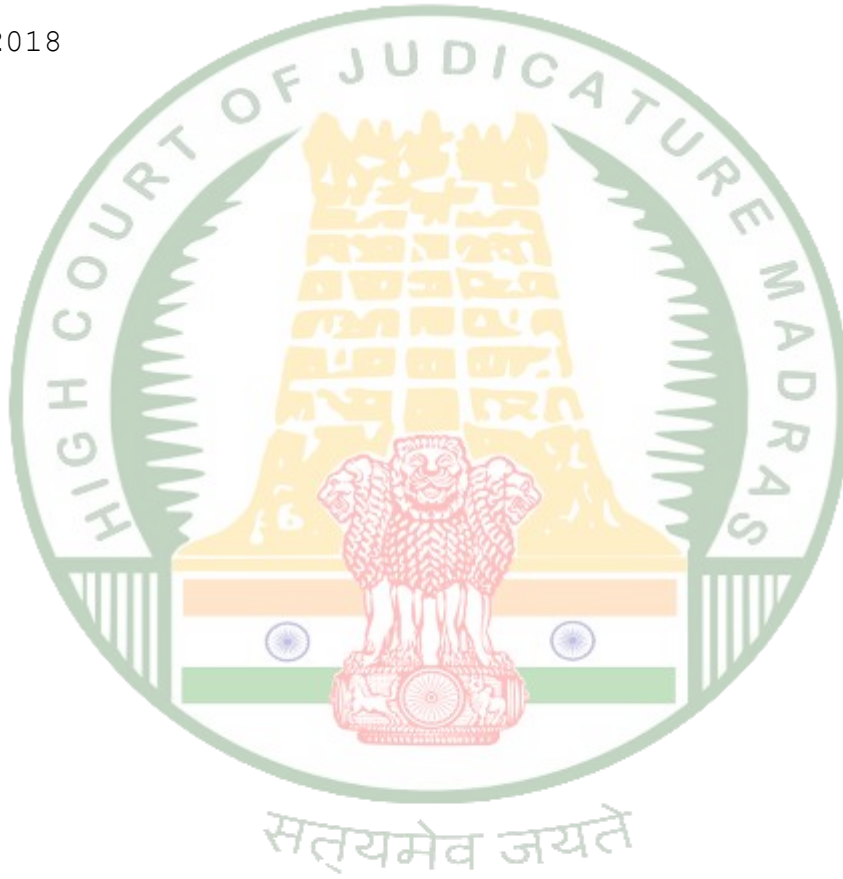
2.The Managing Director,
M/s. Suzlon Energy Limited Unit-IV,
Puducherry.

+ 1 cc to M/s.King and Partridge Advocate,SR.25713

+ 1 cc to Mr.P.R.Thiruneelakandan Advocate,SR.25608

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