



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7432 of 2015

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The Director,
Christian Medical College & Hospital,
Ida Scudder Road,
Vellore-632 004.

... Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Vellore.

2.L.Daulath Jamal
Old No.3/11, New No.47,
Thennamarathu Street,
Kaspa,
Vellore-632 006.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records connected with I.D.No.89 of 2013 and quash the Award dated 29.09.2014 passed by the Respondent i.e.,The Presiding Officer, Labour Court, Vellore.

For Petitioner : Mr.Sanjay Mohan
for M/s.S.Ramasubramaniam & Association

For Respondent : Mr.S.T.Varadharajulu (for R2)

O R D E R

This writ petition has been filed seeking to call for the records connected with I.D.No.89 of 2013 and quash the Award dated 29.09.2014 passed by the 1st Respondent.

2.Today, when the matter is taken up for hearing, the learned Senior Advocate appearing for the petitioner submitted that a joint memo has been filed by the Christian Medical College & Hospital and Mrs.L.Daulath Jamal, which is extracted hereunder:

"The parties to the above Writ Petition agree as follows:

1) The 2nd Respondent was appointed as a Junior Medical Records Technician for an specified period and he was terminated from service on 13.06.2013 by efflux of time.

2) Against which, the 2nd Respondent raised an Industrial Dispute and the same was numbered as I.D.No.89/2014.



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- 3) The Labour Court in the said Industrial Dispute passed an award directing the Petitioner to reinstate the 2nd Respondent with full backwages.
- 4) Against the said Award of the Labour Court, the Petitioner preferred the above Writ Petition.
- 5) When the above writ petition was pending, both parties agreed to settle the issue for an out of court settlement and arrived at a settlement.

NOW THE PARTIES TO THE WRIT PETITION AGREE AS FOLLOWS:

- a) The petitioner hereby agrees to recruit and employ the 2nd Respondent under probation for the post Junior Medical Records Technician Grade III for the period of 6months (start from the date of appointment as mentioned in the letter of appointment to be issued). The 2nd Respondent will be evaluated during the probationary period and accordingly, her service will be and her service are found satisfactory to the requirement then she would be confirmed.
- b) Upon signing this memo backwages calculated on last drawn salary shall be issued to 2nd respondent less the payments made to her under 17b of Industrial Act, 1947 less TDS were applicable. The 2nd Respondent hereby gives up all rights and benefits arising out of the award dt.29.09.2014 in ID.No.89 of 2014.
- c) Parties mentioned above agree that the signed copy of this Joint Memo will be produced before the Hon'ble Court and this Joint Memo may be recorded in W.P.No.7432 of 2015 and the Writ Petition may be closed as settled out of court and an order may be passed in terms of this Joint Memo.

3.The learned Senior Advocate appearing on behalf of the writ petitioner fairly made a submission that the order of appointment will be issued by the management within a period of two weeks from today (16.04.2018). However, the back wages as applicable after deducting the paid wages will be settled within a period of four weeks from today. These two submissions are made in addition to the terms and conditions stated in the joint memo filed by the respective parties.

4.In view of the above terms and conditions stipulated in the joint memo of compromise, the Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



rm

To

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The Presiding Officer,
Labour Court,
Vellore.

+lcc to Mr.S.T.Varadarajulu, Advocate Sr.no.28270

+lcc to M/s.S.Ramasubramanian & Associates SR.No.28277

KJI (CO)

sm:2.5.2018

W.P.No.7432 of 2015