

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :.27.07.2018

C O R A M

THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 13581 of 2000

E.S. Gopidass

... Petitioner

Vs.

1. The Deputy Commissioner of Labour
(Appeal),
Department of Labour,
Government of Tamil Nadu,
Teynampet, Chennai.

2. The Management of Mylapore
Hindu Permanent Fund Limited,
32 & 33, South Mada Street,
Mylapore, Chennai - 600 004.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus after calling for the records from the first Respondent relating to the file of TSE 11/98 and quash the order dated 20.09.1999 in TSE 11/98 and direct the second respondent to reinstate the Petitioner in service with backwages, continuity of service, other benefits and award costs.

For Petitioner : Mr.V.Ajoy Khose

For Respondents: Mr.K.S.Suresh, Govt. Advocate (For R1)
Mr.S.Janarthanan (For R2)

O R D E R

The Writ Petition have been filed challenging the order dated 20.09.1999 in TSE No.11 of 1998 passed by the First Respondent /Appellate Authority under the Tamil Nadu Shops and Establishments Act, 1948, upholding the order dated 06.05.1997 passed by the Second Respondent terminating the services of the Petitioner.

2.It is represented by the Counsel for both sides that after discussion between the Petitioner and the Second Respondent, a memorandum of compromise dated the 26.07.2018 has been entered between them, on the following terms:

"1.The Petitioner herein agrees and undertakes to waive his claim for the reinstatement into the service of the 2nd respondent company.

2.The Petitioner herein has received a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) by way of a Cheque dated 26.07.2018 bearing No.000299 drawn on Lakshmi Vilas Bank, Mylapore Branch, as compensation from the 2nd respondent company towards his employment in the company.

3.The Petitioner herein agrees and undertakes that the aforesaid amount of a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) is towards backwages, gratuity and the entire amount due and payable to the Petitioner herein by the 2nd respondent herein as the Employer of the Petitioner herein, towards Full and Final Settlement of all claims, including claim under W.P.No.13581 of 2000.

4.It is agreed between the Petitioner and the 2nd Respondent that the amount that has been credited to Provident Fund account of the Petitioner till the date of dismissal of the Petitioner, can be withdrawn by him. The 2nd respondent herein has no objection to withdraw the same.

5.It is further agreed between the Petitioner and the 2nd Respondent herein that no amount is due or payable by the 2nd respondent herein under any head of benefits whatsoever to the Petitioner herein and no other sum is due to the Petitioner.

6.For all the reasons stated above it is prayed that the Writ Petition may be dismissed recording the Present Memorandum of Compromise entered into between the Petitioner and the 2nd Respondent herein and thus render Justice."

3.Recording the same, the Writ Petition is disposed of. No costs.

Sd/-
Deputy Registrar

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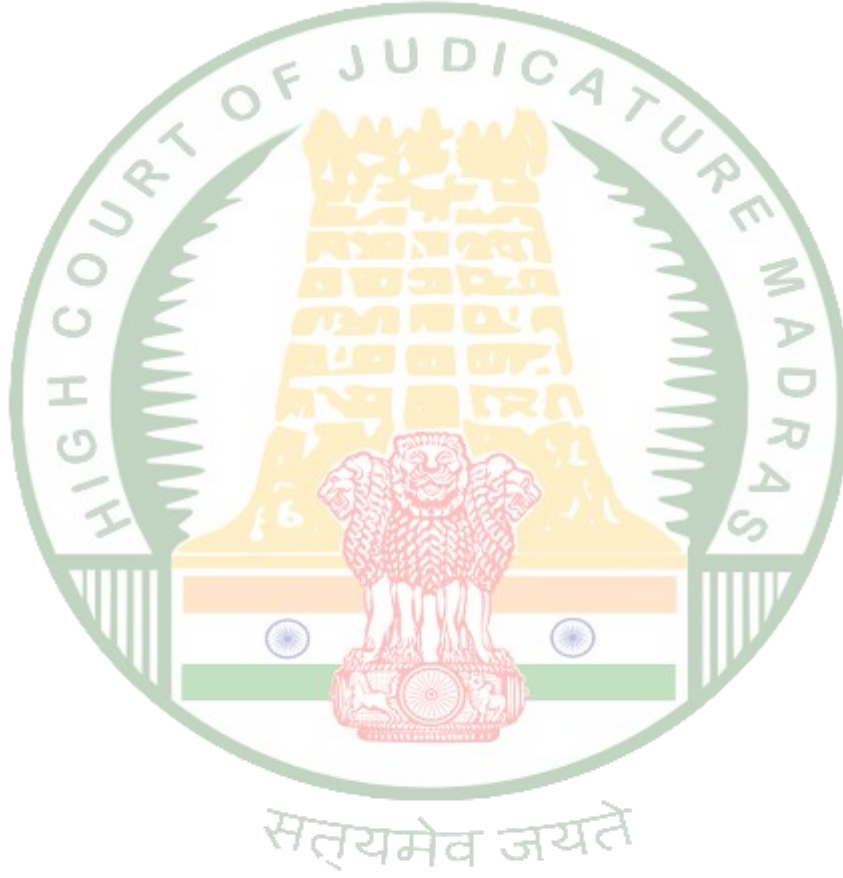
Sub Assistant Registrar

To

1. The Deputy Commissioner of Labour
(Appeal),
Department of Labour,
Government of Tamil Nadu,
Teynampet, Chennai.

W.P. No.13581 of 2000

nr 03/09/2018



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