

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.04.2018

CORAM

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

W.P.No.2315 of 2018
and
W.M.P.No.2833 of 2018

The Management of Amalgamation Repco Limited
Rep by its Manager-HR
"J" Gardens, G.N.T.Road
Chennai - 600 110.

...Petitioner

Vs.

1.The Presiding Officer
III additional Labour Court
Chennai.

2.R.Paulas

... Respondents

Prayer : Petitions filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the records of the first respondent in I.A.Nos.48 and 49 of 2017 in ID No.320 of 2003 and quash its order dated 18.12.2017.

For Petitioners : Mr.G.Anand
For M/s.T.S.Gopalan and Co.

For Respondents : Mr.Balan Haridass [For R2]
R1-court

O R D E R

The learned counsel appearing for the writ petitioner and learned counsel appearing on behalf of the second respondent made a common submission that the issues are settled between the parties and in this regard a memo is filed today i.e., 11.04.2018, which has also been signed by the learned counsel for the petitioner and the learned counsel for the second respondent and the terms of settlement enumerated in the joint memo are extracted hereunder :

"Terms of settlement

1.Workman Thiru.R.Paulas agrees and accepts the

order of termination dated 18.09.2002.

2. Consequently, Thiru.R.Paulas agrees not to pursue the dispute pending before the Hon'ble Third Additional Labour Court in ID No.320 of 2003.

3. Workman Thiru.R.Paulas further states and agrees that he shall have no claim against the management for wages or any other benefits for the period after 18.09.2002.

4. The Management considering the facts and circumstances in order to give a quietus to the dispute on humanitarian grounds agreed to pay a sum goodwill exgratia amount. As requested by Thiru.R.Paulas the exgratia amount shall be spread over the 2001 to 2012 in the following manner:

Year	Amount Rs.
2001-2002	9,104/-
2002-2003	58,900/-
2003-2004	59,500/-
2004-2005	63,500/-
2005-2006	67,600/-
2006-2007	79,900/-
2007-2008	84,800/-
2008-2009	98,940/-
2009-2010	1,20,900/-
2010-2011	1,27,650/-
2011-2012	1,31,450/-
2012-2013	19,500/-
Total	9,21,744/-

5. Of the exgratia amount of Rs.9,21,744/- after tax deduction, the amount payable would be Rs.8,31,941/-. This amount is being paid vide Cheque No.250189 dated 09.04.2018 drawn on Central Bank of India.

6. Apart from payment mentioned above workman Thiru.R.Paulas shall be entitled to Gratuity of Rs.1,49,044/-. After deduction of Rs.40,985/- which has already been paid on 19.09.2002, the remaining sum of Rs.1,08,059/- is now being paid via cheque No.250190 dated 09.04.2018 drawn on Central Bank of India.

7.Workman Thiru.R.Paulas agrees to accept the amount mentioned in Clause 5 and 6 above in Full and Final Settlement of all his contractual and statutory monetary dues.

8.Workman Thiru.R.Paulas agrees that he shall have no claim against the Management whatsoever for any monetary sum or employment or otherwise. Workman Thiru.R.Paulas further agrees and accepts that the amount paid in terms of Clause 5 in only exgratia goodwill amount and hence will not attract any statutory payments including Provident Fund.

9.Both parties agree to file a copy of the Settlement before the Hon'ble High Court of Madras in M.P.No.2315 of 2018 and pray disposal of this writ petition in terms of the settlement.

10.Both parties hereby agree to file a copy of this settlement in ID No.320 of 2003 and shall pray for an award in terms of the settlement.

11.Both parties shall have any claim against the other after this Settlement."

2.In view of the joint memo of settlement, no further adjudication is required. Accordingly, the writ petition stands disposed of. However, there is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

may a

To
The Presiding Officer
III Additional Labour Court
Chennai.

+ 1 cc to M/s.T.S.Gopalan and Co Advocate,SR.26978

+ 1 cc to Mr.Balan Haridass Advocate,SR.27602

W.P.No.2315 of 2018

nr 27/04/2018