

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2018

CORAM

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

W.P.No.15434 of 2008 and M.P.No.1 of 2008

M/s Venture Lighting India Limited,
A-30, D-5 Phase II, Zone-B MEPZ
Tambaram,
Chennai 600 047
Rep. by its General Manager ... Petitioner
Vs.

1. The Presiding Officer,
I Additional Labour Court,
Chennai.

2. Ashok Kumar ... Respondents

Prayer :- Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records of the first respondent in I.D.No.609 of 2006 and quash its award dated 12.11.2007.

For petitioner : Ms.M.Devi Rudra for
M/s T.S.Gopalan & Co.

For respondent - 2 : Mr. M.Saravanakumar

ORDER

The petitioner, viz., M/s Venture Lighting India Limited, MEPS Tambaram represented by its General Manager has filed this writ petition challenging award dated 12.11.2007 passed in I.D.No.609 of 2006 on the ground that no opportunity was given to the petitioner/Management to defend its case and the exparte award was passed granting the relief of re-instatement of the second respondent herein, with backwages and attendant benefits. Since the petitioner came to know about the exparte award only on 29.03.2008, it cannot file a petition to set aside the exparte award in terms of Rule 48 of the Tamil Nadu Industrial Disputes Rules and in view of the award becoming enforceable under Section 17(A) of the Industrial Disputes Act. Hence, the petitioner has filed this writ petition before this Court.

2. When the writ petition is pending, on 26.02.2010, the management has entered into a Memorandum of Settlement under Section 18(1) of the Industrial Disputes Act with the workman, viz., Ashok Kumar, on the following terms:-

1. Thiru.R.Ashok Kumar Workmen hereby accepts the termination order dated 21.11.2005 and thereby acquiesces his relationship with the management from that date.

2. The management on humanitarian grounds and in order to give a quietus to the issue, agreed to pay a sum of Rs.1,50,000/- (Rupees one lakh fifty thousand only) as full and final settlement of all his claims including claim for employment, back wages and other statutory benefits provided under labour legislations.

3. Thiru R.Ashok Kumar Workmen hereby confirms receipt of the above sum mentioned in the Clause (2) by way of Cheque bearing No.105462 dated 26.02.2010 of Indian Bank MEPZ, Chennai - 600 045 as full and final settlement of all his claims with the management and further agrees not to pursue the award passed in I.D.No.609 of 2006 or any other claim.

4. Both parties agreed to file a copy of this settlement in W.P.No.15434 of 2008 pending before High Court, Madras and pray for a disposal in terms of the settlement herein dated 26.02.2010.

5. With this settlement neither parties shall have no right or claim against the other.

3. In view of the above settlement, the second respondent, viz., Ashok Kumar, has received an amount of Rs.1,50,000/- as full and final settlement by way of cheque bearing No.105462 dated 26.02.2010, of Indian Bank, Chennai - 45 issued by the petitioner as against the claim made by the second respondent regarding employment, back wages and other statutory benefits provided under labour legislations in I.D.No.609 of

2006. Both the parties have also signed in the terms of settlement.

4. In view of the above settlement, nothing survives in this writ petition. Hence recording the said settlement, this writ petition is dismissed as infructuous. No costs. Consequently connected Miscellaneous Petition is closed.

Encl: Xerox Copy of Memorandum of Settlement

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

adl

To

The Presiding Officer,
I Additional Labour Court,
Chennai.

Copy TO

The Section Officer,
V.R. Section, High Court,
Madras.

+1cc to Mr. T.S.Gopalan & Co Advocate, S.R.No. 38470

W.P.No.15434 of 2008
and M.P.No.1 of 2008

GJII (CO)
GN (24/09/2018)

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