

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 02.08.2018

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.21780 of 2004
and WPMP No.26324 of 2004qa

The Management of Addison and Co Ltd.,
803, Anna Salai,
Chennai - 600 002 ... Petitioner

Vs

1. The Presiding Officer,
I Additional Labour Court,
Chennai
 2. N. Devarajan (dead)
 3. D. Nirmala
 4. D. Anand
 5. Papita ... Respondents
- [Respondents 3 to 5 are impleaded as LRS of the Deceased 2nd Respondent vide order dated 02.08.2018 made in WMP.19833/18.]

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records on the file of the First Respondent and to quash the impugned award dated 21.11.2003 made in I.D.No.842 of 1993.

For Petitioner : Mr.K.T. Sankar Subramanian for
M/s King & Patridge

For R.1 : Court

For R.2 to R.5 : Mr.C.A. Thiagarajan

ORDER

The Petitioner has challenged the award dated 21.11.2003 in I.D.No.842 of 1993 passed by the First Respondent / I Additional Labour Court, Chennai, in which, the Second Respondent, viz., N. Devarajan, who had been earlier dismissed from service was directed to be reinstated with continuity of service, full back wages and all other attendant benefits.

2. After filing of the Writ Petition, a Memorandum of Settlement under Section 18(1) of the Industrial Disputes Act, 1947, was entered between the Petitioner and the Second Respondent on 26.04.2018, as per the terms of which, out of Rs.10,00,000/- (Rupees Ten lakhs only), agreed to be paid towards back wages and all other attendant benefits, the Second Respondent received a sum of Rs.8,85,000/- (Rupees Eight lakhs eighty five thousand only) by way of Demand Draft No. 292539 dated 21.04.2018 and a sum of Rs.1,15,000/- (Rupees One lakh fifteen thousand only) has been deducted towards Tax Deducted at Source, and another sum of Rs.4,35,276/- (Rupees Four lakhs thirty five thousand two hundred seventy six only) has been paid to the Second Respondent by way of Cheque No. 074707 dated 23.04.2018 towards gratuity.

3. It is represented that sadly, immediately after entering into the Memorandum of Settlement with the Petitioner, the Second Respondent died on 26.04.2018. However, the payments made to the Second Respondent by way of Demand Draft and Cheque have been encashed by his wife, viz., Mrs.D. Nirmala, son, viz., Mr.D. Anand and daughter, viz., Ms.Papita, and they have also acknowledged receipt of the same.

4. The said wife, son and daughter of the Second Respondent, as his legal representatives succeeding to his estate, have been substituted as the Third to Fifth Respondents in this Writ Petition by order dated 02.08.2018 in WMP No.19833 of 2018 and they have also entered appearance through the same counsel, who had represented for the deceased Second Respondent.

5. The settlement entered into between the parties, which has been placed before this Court is recorded and the Writ Petition is disposed of accordingly. Consequently connected miscellaneous petition is closed. No costs.

Sd/-

सत्यमेव जयते Assistant Registrar (CS-IV)

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Sub Assistant Registrar

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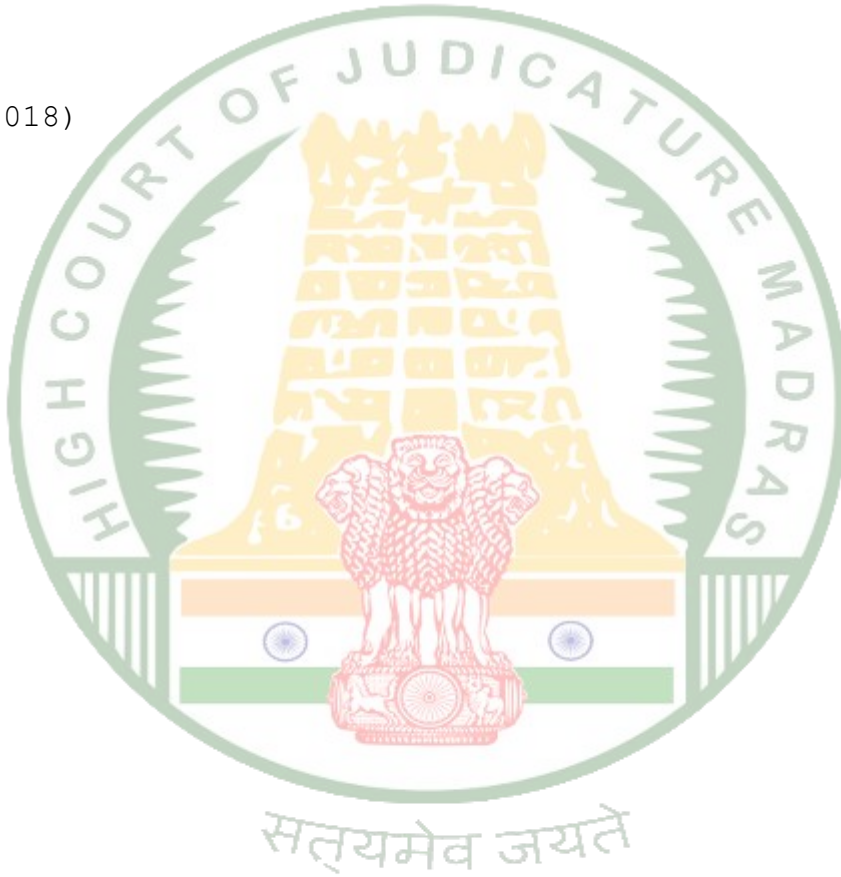
To

The Presiding Officer,
I Additional Labour Court,
Chennai

+1cc to Mr.KING & PARTRIDGE, Advocate, S.R.No.53109

W.P.No21780 of 2004

CA(CO)
TR(29/08/2018)



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