

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.02.2018

Coram

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

W.A.No.135 of 2016 against WP.15135 of 2005
and C.M.P.No.1813 of 2016

I.I.66, Ulundurpet Farmer's Service
Co-operative Society Ltd.,
rep by its President
8, Kulandaivel Chetty Street
Ulundurpet, Villupuram District. .. Appellant

Vs.

1.V.Sekar

2.The Labour Inspector
Office of the Labour Inspector
Villupuram 606 602.

3.The Presiding Officer
Labour Court, Cuddalore. .. Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set-aside the order dated 11.09.2015 made in W.P.No.15135 of 2005, on the file of this Court.

PRAYER IN WP.15135 OF 2005:

This Writ Petition filed Under Article 226 of the Constitution of India praying for the writ of Certiorari, call for the records pertaining to the order passed by the second respondent in its proceedings No.A/4570/2001, dated 15.4.02 and quash the same.

For Appellant : Mr.R.Arumugam
For R1 : Mr.K.Venkataramani
Senior Counsel
for Mr.S.Deivaneethi
For R2 : Mr.V.Anandhamurthy
Additional Government Pleader

J U D G M E N T
[Judgment of the Court was delivered by
K.K.SASIDHARAN, J.]

This intra court appeal is directed against the order dated 11 September, 2015 in W.P.No.15135 of 2005, whereby and whereunder, the learned Single Judge dismissed the writ petition by confirming the proceedings dated 15 April 2002 on the file of the Labour Court, Cuddalore.

2. The Labour Court directed regularisation of the services of the first respondent.

3. We have heard this matter on 21 February, 2018. After hearing the learned counsel for the appellant and the learned Senior Counsel appearing on behalf of the first respondent, we have suggested to both the parties that it would be advisable to settle the matter instead of taking up the issue on merits. This observation was made taking into account the retirement of the first respondent on attaining the age of superannuation on 28 February, 2016. We have, therefore, passed the following order on 21 February, 2018:

"We have heard the learned counsel for the appellant and the learned Senior Counsel for the first respondent.

2. The learned counsel for the appellant submitted that the first respondent continued in service and he attained the age of superannuation on 28 February, 2016. According to the learned counsel, the Society calculated the amount payable to the first respondent and arrived at a conclusion that a sum of Rs.5,62,532/- is due to the first respondent.

3. After hearing the learned counsel for the appellant and the learned Senior Counsel for the first respondent, we are of the view that in view of the subsequent events, there is no need for a factual adjudication of the issue raised by the appellant in this intra court appeal.

4. The learned counsel seeks two months time to disburse the benefits to the first respondent.

5. We direct the appellant to calculate the interest at the rate of 6% from 01 March, 2016. Since the payment should be made within a period

of two months, the interest should be calculated upto 30 April, 2018. The cheque for the said amount shall be drawn and produced before this Court by 28 February, 2018.

Post 'for orders' on 28 February, 2018.

4. When the writ appeal is taken up for consideration today, the learned Standing Counsel for the appellant produced a cheque for a sum of Rs.6,30,036/- (Rupees six lakhs thirty thousand and thirty six only) in full and final settlement of the claim made by the first respondent. The learned counsel fairly submitted that the Society is in possession of funds and that the cheque would be honoured immediately on presentation. The learned counsel for the first respondent accepted the cheque bearing No.427851 dated 28 February, 2018 drawn on Villupuram District Central Co-operative Bank Limited, Ulundurpet Branch. The learned counsel has made an endorsement in token of acceptance of the cheque in full and final settlement.

5. Since the parties have settled the matter, we are of the view that the intra court appeal should be closed without any further adjudication.

The intra court appeal is disposed of in terms of the agreement entered into between the parties and the consequential payment made by the appellant to the first respondent. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

gms
To

1.The Labour Inspector
Office of the Labour Inspector
Villupuram 606 602.

2.The Presiding Officer, Labour Court, Cuddalore.

+1cc to Mr.A.G.RAJAN, Advocate, S.R.No.15434
+1cc to Mr.R.ARUMUGAM, Advocate, S.R.No. 15163

W.A.No.135 of 2016

RJ(CO)
TR(26/03/2018)