

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 19.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

WP.No.24919 of 2003

The Management of LUCAS TVS Ltd.,
Eripakkam,
Nettapakkam Commune,
Pondicherry - 605106
Rep. by its Executive
Vice President (HR)

...Petitioner

Vs

1. The Joint Secretary to Govt.,
Labour Department,
Government of Pondicherry,
Pondicherry -2 .

2. The Labour Court,
Pondicherry.

3. R.Balasundaram

...Respondents

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India to issue a Writ of Certiorari calling for
the records of the 1st respondent in
G.O.Rt.No.99/Lab./ATL/J/2003 and quash its notification dated
18.07.2003.

For Petitioner : Mr.Anand Gopalan
for Mr.T.S.Gopalan

For Respondents: Mr.B.Nambi Selvam, AGP(P)
for R1

R2 - Court

Mr.K.Chandrasekaran
for R3

O R D E R

In connection with the non-employment of the 3rd respondent
in the petitioner services, the petitioner and the 3rd

respondent had entered into a settlement under Section 18(1) of the Industrial Disputes Act, 1947 on 25.09.2001. As per the terms of the settlement, the Management had paid a sum of Rs.35,000/- to the 3rd respondent as a full and final settlement of all his claims including any claim for re-employment and reinstatement. The 3rd respondent had also received the compensation.

2. While that being so, the reference is now been made by the 1st respondent on the issue as to whether the non-employment has been justified or not. Apparently, the settlement arrived between the parties under Section 18(1) of the Industrial Disputes Act, 1947 have not been brought to the notice of the 1st respondent.

3. In view of the settlement arrived between the petitioner and the 3rd respondent dated 25.09.2001, the reference itself may not be proper. Hence, the writ petition stands allowed. No costs. Consequently, the proceedings of the 1st respondent in G.O.Rt.No.99/Lab./ATL/J/2003 dated 18.07.2003, is quashed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Joint Secretary to Govt.,
Labour Department,
Government of Pondicherry,
Pondicherry -2 .

2. The Labour Court,
Pondicherry.

+1cc to Mr.T.S.Gopalan & Co, Advocate, S.R.No. 25543
+1cc to the Government Pleader for Puducherry, S.R.No. 26509

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GJ(CO)
GN(23/04/2019)