

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25-10-2019

Coram

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.24375 of 2009

S.Duraiswamy

.. Petitioner

vs.

1.The Presiding Officer,
Coimbatore Labour Court,
Coimbatore.

2.The Managing Director,
M.K.P.Transport,
No.152D, Karamadai Road,
Mettupalayam,
Coimbatore.

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records in CP No.429 of 2004 on the file of the first respondent and quash the order dated 08.12.2008.

For Petitioner : Mr.V.Bhiman

For Respondent-1 : Labour Court

For Respondent-2 : No Appearance

ORDER

The second respondent/MKP Transport in the present writ petition filed WP No.8480 of 2002, challenging the Award dated 11.04.2000 passed in I.D.No.203 of 1998. In WP No.8480 of 2002, this Court passed final order on 18.11.2015, which reads as under:-

"3. It appears that the matter was heard by this Court for more than earlier fifteen occasions whereby there was a settlement proposal mooted out. It is submitted by

learned counsel appearing for the respondent/workman that his client is ready and willing to accept a sum of Rs.1,00,000/- (Rupees One Lakh only) as full and final settlement of all claims arising out of the impugned award.

4. The learned senior counsel appearing for the petitioner, on instructions, submitted that the writ petitioner will pay the amount as full and final settlement of all claims made by the second respondent and liberty may be granted to deposit the money before the Labour Court, Coimbatore.

5. Accordingly, writ petition is disposed of as having been settled with a direction to the petitioner to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of I.D.No.203 of 1998 on the file of the Labour Court, Coimbatore, within a period of six weeks from the date of receipt of copy of this order and on such deposit, the second respondent is entitled to withdraw the same by filing an application before the Labour Court."

2. The present writ petition is filed by the workman, challenging the consequential order dated 08.12.2018 passed in C.P.No.429 of 2004. The claim petition was filed based on the Award passed in I.D.No.203 of 1998. When the workman agreed to accept the settlement in WP No.8480 of 2002 and this Court also passed an order on 18.11.2015, there cannot be any further adjudication in respect of the orders passed in C.P.No.429 of 2004, as the claim petition order was passed based on the Award passed in I.D.No.203 of 1998. Thus, no further adjudication is required in the present writ petition and the workman is entitled to receive the settlement amount as per the orders passed in WP No.8480 of 2002 dated 18.11.2015.

3. Accordingly, the present writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Svn

To

The Presiding Officer,
Coimbatore Labour Court,
Coimbatore.

+1cc to Mr.V.Bhiman, Advocate SR.89766

W.P.No.24375 of 2009

SJ(CO)
CB(28/11/2019)



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