IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.Nos.3137 and 3138 of 2011

W.P.No.3137 of 2011

M/s.Tractors Farm and Equipments Ltd.,
No.35, Nungambakkam High road
Chennai-600 034
Rep. by its Director and Secretary. .. Petitioner

Vs.

1.The Presiding Officer
First Additional Labour Court
Chennai.

2.Adhikesavan

3.The Management of 'J' Farms
Pudupakkam via Kelambakkam
Chengai MGR District
Pincode-603 103.
(Now known as Chengalpet District) .. Respondents

W.P.No.3138 of 2011

The Management of 'J' Farms
Pudupakkam via Kelambakkam
Chengai MGR District
Pincode-603 103.
(Now known as Chengalpet District)
Rep. by its Deputy General Manager .. Petitioner

Vs.

1.The Presiding Officer
First Additional Labour Court
Chennai.

2.Adhikesavan

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3.M/s.Tractors Farm and Equipments Ltd.,
No.35, Nungambakkam High road
Chennai-600 034. .. Respondents

Prayer in both WPs: Writ Petitions are filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorari calling for records connected with I.D.No.381 of 1997 on the file of the 1st respondent, I Additional Labour Court, Chennai and quash the award dated 20.10.2010 made therein.

For Petitioners : Ms.M.Elavarasi for
in WP.3137/11 M/s.S.Ramasubramaniam & Associates
and R3 in
WP.3138/11

For R2 : Mr.R.Jai Kumar for
in both WPs M/s.T.Fenwalter Associates

C O M M O N O R D E R

When the writ petitions are taken up for hearing, both the learned counsel appearing for the petitioners as well as the 2nd respondent submitted that both the parties have settled the matter amicably and arrived at a compromise. Both the petitioners and 2nd respondent filed a joint memo of compromise dated 06.08.2019 duly signed by both the parties and their respective counsel.

2.The learned counsel appearing for the 2nd respondent submitted that the 2nd respondent has received a demand draft for a sum of Rs.5,50,000/- (Rupees Five Lakhs Fifty Thousand Only) and submitted that TDS shall not be deducted from the compensation amount.

3.The terms of the joint memo of compromise dated 06.08.2019 reads as under:

"a) Gratuity in accordance with the provisions of the Payment of Gratuity Act for services rendered between in all amounting to Rs.50,269/- (Rupees Fifty Thousand Two Hundred and Sixty Nine Only) together with interest arising thereupon at the rate of 10% from 1991 till end of July 2019 is amounting to Rs.56,565/- (Rupees Fifty Six Thousand Five Hundred and Sixty Five Only). Totalling Rs.1,06,834/- (Rupees One Lakh Six Thousand Eight Hundred and Thirty Four Only).

b) An ex-gratia amount of Rs.4,43,166/-

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(Rupees Four Lakhs Forty Three Thousand One Hundred and Sixty Six Only).

c) Mr.N.Adhikesavan accepts and agrees that by this memo he gives up all his rights and benefits arising from Award dated 20.10.2010 in I.D.No.381 of 1997 made by the Presiding Officer. First Additional Labour Court at Chennai that is subject matter of the 2 writ petitions - W.P.Nos.3137 & 3138 of 2011 on the file of this Honourable Court and that as a result he shall not be entitled to reinstatement or back wages from 19.11.1996 till the date of superannuation namely 11.04.2008.

d) It is agreed by both parties that the issue as to whether the J farm covered by the provisions of the Industrial Disputes Act is an "industry" within the meaning of the said statute is left open for a decision in an appropriate case before this Honourable Court."

4.Recording the terms of joint memo of compromise, the writ petitions are closed. The joint memo of compromise is recorded. The TDS shall not be deducted from the compensation amount. The joint memo of compromise dated 06.08.2019 shall form part of this order. No costs.

**Copy of Joint memo of Compromise Enclosed.*

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

The Presiding Officer
First Additional Labour Court
Chennai.

+1cc to M/s.T.Fennwalter Associates, Advocates, SR.No.67222
+1cc to Mr.S.Ramasubrmaniam, Advocate, SR.No.66994

W.P.Nos.3137 and 3138 of 2011

Kak(27/09/2019)

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