

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.Nos.30582 of 2018 & 6175 of 2019
and
W.M.P.Nos.39613, 39617 of 2018 & 35664 of 2018

W.P.Nos.30582 of 2018

The Management of Larson & Toubro Ltd.,
Mount Poonamalle Road,
Manapakkam, P.B.No.979,
Chennai-600 089 ... Petitioner

Vs.

1.The Deputy Commissioner of Labour,
Authority under the Tamil Nadu Shops and
Establishments Act,
DMS, Teynampet,
Chennai

2.K.Sarabhoj ... Respondents

W.P.No.6175 of 2019

K.Sarabhoj ... Petitioner

Vs.

1.The Deputy Commissioner of Labour,
Authority under the Tamil Nadu Shops and
Establishments Act,
DMS Complex, Teynampet,
Chennai

2.The Management of Larson & Toubro Ltd.,
Mount Poonamalle Road,
Manapakkam, P.B.No.979,
Chennai-600 089 .. Respondents

Petitions filed under Article 226 of The Constitution of
India praying for

(i) issuance of a writ of Certiorari to call for the records pertaining to the order of the first respondent dated 30.08.2018 passed in TNSE II/08/2016 and quash the same (Prayer in W.P.No. 30582 of 2018)

(ii) issuance of a writ of Certiorarified Mandamus to call for the records of the first respondent herein passed in T.N.S.E.II/8/2016 dated 30.08.2018 and quash the same insofar as denial of back wages concerned and to direct the second respondent herein to pay all the back wages and the consequential benefits to the petitioner herein (Prayer in W.P.No. 6175 of 2019).

W.P.No.30582 of 2018

For Petitioner .. Mrs.Rita Chandrasekar for M/s.Aiyar & Dolia

For Respondents.. Mr.J.Pothiraj, Spl. GP for R1
...Mr.G.Purushothaman, for R2

W.P.No.6175 of 2019

For Petitioner .. Mr. G.Purushothaman

For Respondents.. Mr.J.Pothiraj, Spl. GP for R1
.. Mrs.Rita Chandrasekar for M/s.Aiyar & Dolia, for R2

ORDER

Today, when the matter is taken up for hearing, the learned counsel for the petitioners would submit that the second respondent/ workman have entered into a settlement with the petitioner/Management and it is produced in writing in the form of Memo of Settlement dated 17.07.2019. The terms and conditions of the said Memo of Settlement are extracted below:

MEMO OF SETTLEMENT

"The counsels for the respective parties in the case namely Management of L&T Ltd & K.Sarabhoj most respectfully submit as follows:

1.W.P.No.30582 of 2018 has been preferred by the Management of Larson & Toubro Ltd., as against the order of the first respondent dated 30.08.2018 in TNSE No.08 of 2016.

2.W.P.No.6175 of 2019 has been preferred by K.Sarabhoj as against denial of back wages in the order dated 30.08.2018 in TNSE No.08 of 2016 passed by the first respondent.

3.The Counsels most respectfully submit that the parties have agreed upon settlement

terms mutually and have signed an agreement of settlement dated 15.07.2019 whereby both the parties unequivocally have agreed to abide by the terms of the said agreement.

4.Both the parties to the Writ Petitions are present before the Hon'ble Court and have authorized the counsels to file a copy of the same in Court and thereby settle the case amicably''.

2. In view of the above Memo of Settlement entered into between the parties, no further adjudication is necessary in these writ petitions and hence, both the writ petitions are disposed of in terms of the settlement. The Memo of Settlement shall form part and parcel of the order. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1.The Deputy Commissioner of Labour,
Authority under the Tamil Nadu Shops and
Establishments Act,
DMS Complex, Teynampet,
Chennai

+1 CC to M/s.Aiyar & Dolia, Advocate sr 61760(15/10/2019)

सत्यमेव जयते

W.P.No.6175 of 2019
& 30582 of 2018

GP(CO)
SP(10/09/2019)

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