

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.04.2019

Coram

The Hon'ble Mr. Justice V.PARTHIBAN

W.P.No.5807 of 2018

and

M.P.No.7144 of 2018

The Management,
M/s.Gurunanak Educational Society,
Gurunanak Matriculation Higher
Secondary School,
No.31, South Bank Road,
Mandaiveli,
Chennai-600 028 ... Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Chennai-104.

R.Manikandan ... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari to call for the records connected with the order of first respondent made in I.D.No.418 of 2013, dated 30.11.2017 and quash the same.

For Petitioner ... M/s.Iyer and Thomas

For Respondents .. Mr.R.Gowthaman for R2

ORDER

When the matter is taken up for hearing, it is represented by the learned counsels appearing for both parties that a settlement has been reached between the Management and the Workman before the Mediation and Conciliation Centre, High Court, Madras. A copy of the said settlement agreement dated 27.03.2018 is filed before this Court, which reads as under:

"1.Disputes and differences had arisen between the parties hereto and an Industrial Dispute No.418 of 2013 was filed before the Labour Court, Chennai and the Labour has passed an award

on 30.11.2017 reinstating the 2nd respondent, workman with full back wages, continuity of service and all other attendant benefit. Against that award, the Petitioner has filed the present writ petition No.5807 of 2018 and obtained STAY of operation of the said award.

2.The matter was referred to mediation vide an order dated 07.03.2019 passed by Hon'ble Mr.Justice V.Parthiban.

3.The parties agreed that Mr.Ramesh Rai would act as their Mediator.

4.Two meetings were held during the process of Mediation on 13.03.2019 and on 22.03.2019 and the parties have with the assistance of the Mediator voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.

5.The Parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediator.

6.The following settlement has been arrived at between the Parties hereto:

A.The petitioner has offered to pay the 2nd respondent, the workman a lump sum compensation of Rs.21,00,000/- (Rupees Twenty One Lakhs Only) as full and final settlement including gratuity in lieu of claim of back wages, continuity of service, attendant benefits and reinstatement sought for by the 2nd respondent. The 2nd respondent has agreed to receive Rs.21,00,000/- (Rupees Twenty One Lakhs only) as full and final settlement and the 2nd respondent also further agrees not to make any further claim from the petitioner.

B.There is no further claim from each side and there will be no master and servant relationship between the parties hereafter.

C.The said compensation amount will be paid within two weeks from the date of signing of the settlement and the 2nd respondent agrees not to disclose the settlement amount to any one.

7.By signing this Agreement the Parties hereto state that they have no further claims or demands against each other with respect to case Nos.W.P.No.5807 of 2018, I.D.No.418 of 2013 and C.P.No.45 of 2018 before the II Additional Labour Court, Chennai. Both the Parties agree to withdraw their respective cases relate to the non-employment of the 2nd Respondent, workman. All disputes and differences in this regard have been amicably settled by the Parties hereto through the process of Mediation."

2.In the light of the above, this writ petition is disposed of in terms of settlement arrived at between the parties. The Settlement Agreement, dated 27.03.2019, shall form part of the order. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

msk

To

1.The Presiding Officer,
Labour Court,
Chennai-104.

+lcc to Mr.R.Gowthaman, Advocate in sr.no.35864

+lcc to Mr.M.Karthik Seshadri, Advocate in sr.no.3586434537

vum(21/05/2019)

W.P.No.5807 of 2018

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