



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.No.16154 of 2019

and

W.M.No.15889 of 2019

Thiru N. Suresh

.. Petitioner

-vs-

The Management of A.H. Dhruva & Co.,
No.123, Thambu Chetty Street,
Chennai-600 001,
And also having Branch Office at
A.S.M. Dhruva & Co.,
1st Floor, Ankur Plaza, G.N.Chetty Road,
T.Nagar, Chennai-600 017,
And also having Godown at
A.H. Dhruva & Company (Godown),
No.1/171, Poonamallee High Road,
Vanagaram, Chennai-600 095.

.. Respondent

Petition under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorari to call for the
records relating to the award passed in I.D.No.156/2016 on
10.09.2018 by 3rd Additional Labour Court and to quash the same.

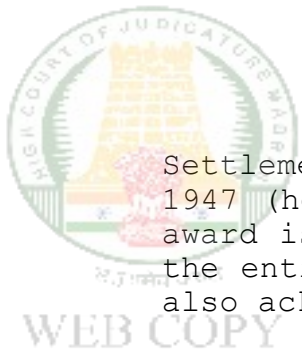
For Petitioner : Mr.T.Dharani

For Respondent : Mr.S.Ravindran, Senior Counsel
for G.Bharadwaj

ORDER

The award dated 10.09.2018, passed by the III Additional
Labour Court, Chennai, in I.D.No.156 of 2016 is under challenge
in the present writ petition.

2.The learned Senior Counsel appearing on behalf of the
respondent Management made a submission that the award was
passed by the Labour Court in I.D.No.156 of 2016 on 10.09.2018,
and thereafter, the writ petitioner Management entered into a



Settlement under Section 18(1) of the Industrial Disputes Act, 1947 (hereinafter referred to as "the Act") on 19.11.2018. The award is also mentioned in the 18(1) Settlement and accordingly, the entire award amount had been settled and the writ petitioner also acknowledged the receipt of the said amount.

3. In view of the fact that the awarded amount had already been settled by entering into a Settlement under Section 18(1) of the Act, the writ petition itself is not maintainable and the same is filed in order to extract more benefits from the Management, which is impermissible.

4. Thus, this Court is of a considered opinion that pursuant to the award passed in I.D.No.156 of 2016, the workman entered into the 18(1) Settlement and received the entire benefits. This being the factum, a subsequent writ petition filed challenging the very same award, cannot be entertained.

5. Accordingly, the writ petition is devoid of merits and the same stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

abr

To

The III Additional Judge,
Labour Court, Chennai.

+1cc to M/s.T.Dharani, Advocate sr.99549
+1cc to G.Bharadwaj, Advocate sr.99549

W.P.No.16154 of 2019

mp(co)
nr 08/01/2020