



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2019

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CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.13808 of 2019
and
W.M.P.No.13881 of 2019

1. S.Kumaraguru
S/o B.Sethuraman
Junior Officer, (Emp.No.300563)
Hindusthan Motor Finance Corporation Ltd.,
Adhigathur,
Kadambattur Post,
Tiruvallur District.
2. S.Tamizh Chelvam,
S/o R.Sadasivam
Asst. Manager (Emp.300410)
Hindusthan Motor Finance Corporation Ltd.,
Adhigathur,
Kadambattur Post,
Tiruvallur District.
3. R.Venkatesan,
S/o Ravi
Junior Officer (Emp.300560)
Hindusthan Motor Finance Corporation Ltd.,
Adhigathur,
Kadambattur Post,
Tiruvallur District.
4. P.Jayapal,
S/o S.Pitchai,
Asst. Manager (Emp.300497)
Hindusthan Motor Finance Corporation Ltd.,
Adhigathur,
Kadambattur Post,
Tiruvallur District.
5. P.Boopathy,
S/o P.Ponuswamy,
Asst. Manager, (Emp.300409)
Hindusthan Motor Finance Corporation Ltd.,
Adhigathur,
Kadambattur Post,
Tiruvallur District.



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6. K.Ravikumar,
S/o N.Kuppusamy
Asst.Manager (Emp.300439)
Hindusthan Motor Finance Corporation Ltd.,
Adhigathur,
Kadambattur Post,
Tiruvallur District.
7. S.Laxman Thakre,
S/o Shrihariprasad Thakre
Junior Executive (Emp.300587)
Hindusthan Motor Finance Corporation Ltd.,
Adhigathur,
Kadambattur Post,
Tiruvallur District.
8. S.Sangeetha,
W/o Sankaran
Junior Executive (HR) (Emp.No.800289)
Hindusthan Motor Finance Corporation Ltd.,
Adhigathur,
Kadambattur Post,
Tiruvallur District.
9. K.Muthukumar,
S/o K.Kooteswaran,
Senior Engineer (Emp.300837)
Hindusthan Motor Finance Corporation Ltd.,
Adhigathur,
Kadambattur Post,
Tiruvallur District.
10. S.Anandakumar,
S/o Subba Kutti
Junior Officer (Empl.300561)
Hindusthan Motor Finance Corporation Ltd.,
Adhigathur,
Kadambattur Post,
Tiruvallur District.
11. P.Elavarasan,
S/o P.S.Palaniswamy,
Senior Engineer (Emp.300555)
Hindusthan Motor Finance Corporation Ltd.,
Adhigathur,
Kadambattur Post,
Tiruvallur District.



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12. K.Ganapathy,
S/o Kunji,
Asst.Manager (Emp.300411)
Hindusthan Motor Finance Corporation Ltd.,
Adhigathur,
Kadambattur Post,
Tiruvallur District.

13. R.Ganasekaran,
S/o C.Radhakrishnan,
Sr.Engineer (Emp.300799)
Hindusthan Motor Finance Corporation Ltd.,
Adhigathur,
Kadambattur Post,
Tiruvallur District.

14. P.Kalaimani,
S/o Prabhakaran,
Asst.Manager (Emp.300408)
Hindusthan Motor Finance Corporation Ltd.,
Adhigathur,
Kadambattur Post,
Tiruvallur District.

15. V.Gogulraj,
S/o R.Vijayan
Engineer (Emp.300835)
Hindusthan Motor Finance Corporation Ltd.,
Adhigathur,
Kadambattur Post,
Tiruvallur District.

16. N.Vigneshwaran,
S/o M.Nagarajan,
Sr.Engineer (Emp.300834)
Hindusthan Motor Finance Corporation Ltd.,
Adhigathur,
Kadambattur Post,
Tiruvallur District.

17. K.Sekar,
S/o M.Karumeni
Sr.Engineer (Emp.300 781)
Hindusthan Motor Finance Corporation Ltd.,
Adhigathur,
Kadambattur Post,
Tiruvallur District.



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18.G.Loganathan,
S/o Gangadharan,
Sr.Engineer (Emp.300494)
Hindusthan Motor Finance Corporation Ltd.,
Adhigathur,
Kadambattur Post,
Tiruvallur District.

19.Krishnakant Saindane,
S/o Dattatray Saindane
Sr.Executive (Emp.300588)
Hindusthan Motor Finance Corporation Ltd.,
Adhigathur,
Kadambattur Post,
Tiruvallur District.

20. B.Dillibabu,
S/o K.Balaraman,
Sr.Engineer (Emp.300856)
Hindusthan Motor Finance Corporation Ltd.,
Adhigathur,
Kadambattur Post,
Tiruvallur District.

21. S.Shreyas
S/o M.C.Sainath,
Sr.Executive (Emp.300837)
Hindusthan Motor Finance Corporation Ltd.,
Adhigathur,
Kadambattur Post,
Tiruvallur District.

22.K.Prabhu,
S/o A.Kothandan,
Asst.Manager (Emp.300498)
Hindusthan Motor Finance Corporation Ltd.,
Adhigathur,
Kadambattur Post,
Tiruvallur District.

... Petitioners

vs

1. The Secretary, Labour Department,
Government of Tamilnadu,
7th Floor,
New Building,
Secretariat,
Chennai - 600 009.



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2. The Assistant Commissioner of Labour Officer,
Chief Labour Commissioner,
Central cum Industrial (Conciliation Shastribhavan)
5th Floor,
Haddows Road,
Nungambakkam,
Chennai - 600 006.

3. The Joint Commissioner of Labour,
(Conciliation),
Teynampet,
Chennai - 600 006.

4. Hindusthan Motor Finance Corporation Ltd.
Adhigathur (Plant)
Office at Old No.91, New No.81,
Chinnamman Koil Street,
Avadi,
Chennai - 600 054
Tiruvallur District,
Pin 631 203

5. P.C.A. Automobiles India Private Ltd.,
(PEUGEOT CITROEN AUTOMOBIL)
Holiday Inn Hotel, OMR It
World Trade Centre,
Expressway,
No.110, Rajiv Gandhi Salai,
Chennai - 600 041
Tamilnadu

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the respondents 1 and 2 to entertain the petition dated 03.04.2019 of the petitioners and the respondents 4 and 5 for adjudication as per Section 10 and 11 of the Industrial Disputes Act, 1947, pending resolution of the same, not to disturb the petitioners employment from 01.05.2019 with the 4th and 5th respondents herein.

For Petitioners : Mr.Muthukumaran.J.

For Respondents : Mr.D.Suryanarayanan,
Additional Government Pleader
for R1 to R3
Mr.R.Jayaprakash for R4
Mr.Ravi for M/s.Gupta & Ravi for
R5

O R D E R

This writ petition is filed seeking for a Mandamus to direct the respondents 1 and 2 to entertain the petition dated 03.04.2019 of the petitioners and the respondents 4 and 5 for



adjudication as per Section 10 and 11 of the Industrial Disputes Act, 1947, and further pending resolution of the same, not to disturb the petitioners employment from 01.05.2019 with the 4th and 5th respondents herein.

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2. It is represented that during the pendency of the Writ Petition, a settlement was arrived at between the petitioners 1 to 15 and 17 to 22 on one side and the 4th respondent Management on the other side on 16.12.2019. It is further stated that the 16th petitioner has already submitted his resignation which is also accepted by the 4th respondent.

3. Today, a joint memo dated 17.12.2019, signed by the learned counsel for the petitioner and the learned counsel for the 4th respondent, is filed by enclosing the said Memorandum of Settlement dated 16.12.2019. The said joint memo reads as follows:

The parties jointly submit as follows:

1. The petitioners had filed the present Writ Petition for a Writ of Mandamus directing the Respondents 1 & 2 to entertain the petition dated 03/04/19 filed against the Respondents 4 & 5 for adjudication and further pending resolution, not to disengage the petitioners from employment with the 4th & 5th Respondents.

2. The petitioners submit that even as the Writ Petition was filed, the 16th petitioner (N.Vigneswaran) had submitted his resignation on 29/03/19 and which was also accepted by the 4th Respondent and pursuant to the same, was also relieved from the services. Thereupon, the 16th petitioner had also received the various sums in full and final settlement of all his dues.

3. It is submitted that as regards the other petitioners, the contesting parties had engaged in a discussion for arriving at a solution and pursuant to elaborate discussions held between the parties, a memorandum of settlement dated 16/12/19 was entered into between the rest of the Petitioners and the 4th Respondent, the employer of the Petitioners wherein the Petitioners have accepted the order of separation dated 01/04/19 as being irrevocable and that they have also received certain sums as ex-gratia. The Petitioners have also accepted that they have no claim for employment or otherwise against M/s. PCA Automobiles Pvt.Ltd., the 5th Respondent herein. The parties have also accepted that the aforesaid Writ Petition may be disposed of in terms of the settlement.

4. The copy of the settlement dated 16/12/19 as well as the resignation letter dated 29/03/19 of the 16th petitioner, the acceptance of the resignation dated 29/03/19 and the full and final settlement



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communication dated 07/05/19 is enclosed hereto.

It is therefore prayed that this Hon'ble Court may be pleased to take on record this settlement entered into between the parties and dispose of the Writ Petition filed by the petitioner and pass such further or other orders and thereby render justice.

Thus, the learned counsel for the petitioners and the learned counsel for the 4th respondent seek for disposal of the writ petition in view of the above settlement arrived at between the parties.

4. The learned counsel for the 5th respondent is not having any objection for closing the writ petition, based on the settlement arrived between the parties as stated supra.

5. Considering the above facts and circumstances and in view of the settlement arrived between the parties as stated supra on 16.12.2019, this Writ Petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary, Labour Department,
Government of Tamilnadu,
7th Floor, New Building,
Secretariat, Chennai - 600 009.
2. The Assistant Commissioner of Labour Officer,
Chief Labour Commissioner,
Central cum Industrial (Conciliation Shastribhavan)
5th Floor, Haddows Road,
Nungambakkam, Chennai - 600 006.
3. The Joint Commissioner of Labour,
(Conciliation), Teynampet, Chennai - 600 006.

+1cc to Mr.R.Jayaprakash, Advocate Sr.105651
+1cc to M/s.Gupta & Ravi, Advocate Sr.105580
+1cc to Mr.J.Muthukumar, Advocate Sr.105999

W.P.No.13808 of 2019

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srg 20/12/2019

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