

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :01.02.2019

CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8627 of 2003

Management of India Pistons Ltd.,
A/4, Industrial Estate,
Maraimalai Nagar,
Chinglepet District.

..Petitioner

vs

1.The Presiding Officer,
II Additional Labour Court,
Madras.

2.M. Dilli

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari, or any other appropriate writ, order or direction, in the nature of a writ calling for the records from the file of first respondent in I.D.No.331 of 1989, on its file and quash the Award dated 1.11.2002, which was received by the petitioner on 7.1.2003.

For Petitioner : Mr. S. Jayaraman

For Respondent : Mr. V. Ajaykhose for R2

O R D E R

The learned counsel for the writ petitioner/Management made a submission that the issues between the parties to the present writ petition has been settled out of court. Accordingly, a joint memorandum of compromise is filed by the parties and the same reads as under :

" JOINT MEMORANDUM OF COMPROMISE FILED
BY THE PARTIES

The parties submitted as follows:-

1. The 2nd Respondent/Workmen- Thiru. M. Dilli was appointed on 24.04.1987, w.e.f. 07.02.1987 as a Trainee Operator.

2. The Workmen concerned Thiru. M. Dilli's Training was terminated w.e.f. 26.10.1988.

3. The workmen concerned raised an industrial dispute in I.D.No.331 of 1989 and it was taken on file by the II Additional

Labour Court.

4. The II Additional Labour Court, Chennai passed an award dated 01.11.2002 setting aside the termination of the workmen concerned and directing reinstatement, continuity of service with back wages and all other attendant benefits.

5. The Management of India Piston Ltd challenged the award by filing the W.P.No.8627 of 2003 and obtained stay of the operation of the Award.

6. On moving application to vacate the stay granted and payment of the last drawn wages under Section 17(B) of the I.D. Act, the Hon'ble High Court was pleased to direct the Management to deposit a sum of Rs.1,30,000/- which was deposited on 29.03.2004 to the credit of I.D.No.331 of 1989 which the workman Mr. Dilli has withdrawn and he was also paid every month the last drawn wages from March 2004 up to date, which comes to Rs.1,05,600/-.

7. During the pendency of Writ Petition, the parties expressed the desire to settle the matter in full and final settlement of all the dues and after negotiations and several round of talks, the parties arrived at amicable settlement for the following terms.

(i) The Management agreed to pay a sum of Rs. 20,00,000/- (Rupees Twenty Lakhs) to the Workman namely Dilli, in full and final settlement of all his dues and claims including the terminal benefits, like gratuity, etc.

(ii) The Workman concerned namely M.Dilli agreed to receive the amount mentioned above in full and final settlement of all his dues and claims including the terminal benefits like gratuity, etc.,

(iii) The Workmen also agreed that he has no further or other claim against the Management including the relief of reinstatement.

(iv) The Workmen further agreed that he will not make any claim whatsoever from the management hereafter.

(v) The Workmen also agreed that there is no other dues pending from the management under Bonus Act, Gratuity Act and no payment pending in view of leave with

wages under Factories Act, etc. and also he agreed that he will not raise any dispute in any forum, Government Offices or any court in this regard.

8. It is submitted that both the parties entered into a settlement under Section 18(1) of I.D. Act which is enclosed with this Memo.

For the aforesaid reasons, the parties herein pray that this Hon'ble Court may be pleased to record the Settlement, dispose of the Writ Petition in terms of the Settlement.

2. It is brought to the notice of this court that the Management had deposited Rs.1,30,000/- before the Labour Court on 29.03.2004 to the credit of I.D.No. 331 of 1989 and the workmen had withdrawn the amount of Rs.1,00,000/- and the balance of Rs.30,000/- is lying with the I.D.No. 331 of 1989. The respondent/workmen is directed to withdraw the said amount of Rs.30,000/- by filing the appropriate application before the Labour court concerned.

3. With these directions, the writ petition stands disposed of.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mrn

To

The Presiding Officer,
II Additional Labour Court,
Madras.

+lcc to Mr.Jayaraman, Advocate, S.R.No.8695
+lcc to Mr.V.Ajaykhose, Advocate, S.R.No.8696

W.P.No.8627 of 2003

GP(CO)

rrs 08/03/2019