



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.10.2019
CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

WEB COPY

W.P.(MD)No.6025 of 2012
and
M.P.(MD)Nos.1 and 1 of 2013

Madura Coats Private Limited,
through its Group Industrial Relation Manager,
Papavinasam Mills Post,
Ambasamudram, Tirunelveli District. : Petitioner

vs.

1. The Presiding Officer,
The Labour Court, Tirunelveli.

2. G.Jeyaraman : Respondents

PRAYER: Writ Revision Petition filed under Article 226 of Constitution of India, praying to issue Writ of Certiorari, to call for the records relating to proceedings in final award, dated 14.03.2012 in I.D.No.20 of 2007, on the file of the Labour Court, Tirunelveli and quash the same.

For Petitioner : Mr.M.P.Senthil
For R2 : Mr.S.M.Mohan Gandhi
For Respondent
No.1 : Labour Court

ORDER

This Writ Petition is filed for issuing a Writ of Certiorari to quash the Award of Labour Court, Tirunelveli, dated 14.03.2012 in I.D.No.20 of 2007.

2.The Second respondent employee was demoted as Learner with effect from 20.03.2004 and subsequently, dismissed from service on 25.11.2006 for the alleged misconduct against him. Though the Labour Court directed the Management to reinstate the second respondent with full back wages and continuity of service in I.D.No.25 of 2007, the Management has preferred the above writ petition.

3.During the pendency of the writ petition, the second respondent has attained the age of superannuation on 14.02.2013 and hence, there is no scope for reinstatement. However, it is submitted



that the petitioner and the second respondent have agreed to settle the matter in terms of the compromise memo, dated 23.10.2019 filed before this Court. The terms of compromise are as follows:

"1.The Management agrees to pay the below mentioned amounts to Thiru.G.Jeyaraman:

	BACK WAGES FROM 20.03.2004 TO 14.02.2013 (Date of dismissal to Superannuation date)	Rs.8,04,830/-
L e s s	17(b) wages paid from 27.04.2010 to 01.06.2011	Rs.60,124/-
	Back Wages minus 17(b) Payment =	Rs.7,44,705/-
A	BACK WAGES PAYABLE (LESS 17(B) Wages Paid)	Rs.7,44,705/-
B	GRATUITY FROM 22.03.1975 to 14.02.2013 (Date of Joining of Superannuation = 37 Yrs)	Rs.2,72,292/-
C	BONUS FROM 2004 TO 02/2013	Rs.93,195/-
D	LEAVE WAGES FOR 50 DAYS	Rs.24,532/-
E	Employer EPF Contribution	Rs.80,243/-
	TOTAL (A+B+C+D+E)	Rs.12,14,967/-

2.The respondent workman agrees to receive the amount of Rs.12,14,967/- (Rupees Twelve Lakhs Fourteen Thousand Nine hundred and Sixty Seven only) towards Back Wages, Gratuity, Bonus, Leave Wages and Employer's E.P.F Contribution in full and final settlement of all his claims against the Management.

3.The amount mentioned in Clause No.1 above shall be paid by the Management by way of Cheque to Mr.G.Jeyaraman on or before 15.11.2019. It is agreed that the deduction of T.D.S., if any, is to be borne by the Management.

4.It is specifically agreed between the parties that this payment is in full and final settlement of the claims of employee and the employee will have no claim or dispute arising of or in connection with the cause of his non-employment consequent to the order of dismissal on 25.01.2006 and neither of the parties will have any claim or dispute against each other.

5.It is agreed that the employee, Thiru.G.Jeyaraman, shall give individual receipts to the Management for the



payments received by him in terms of the settlement.

6. In view of the settlement arrived at between the parties, the connected Writ Petition (MD)No.10071 of 2010 filed by Workman and Writ Petition (MD)No.1157 of 2011 filed by Management may be closed as infructuous.

7. The Parties have entered into the above Joint Memo of Compromise on their own volition, without any coercion whatsoever."

4. The parties have agreed for passing the order recording the compromise and dispose of the writ petition in terms of the compromise memo, dated 23.10.2019. Accordingly, this writ petition is disposed of in terms of compromise memo. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Encl.: Xerox Copy of Joint Compromise Memo

To

The Presiding Officer,
The Labour Court, Tirunelveli.

+1 CC to Mr.M.P.SENTHIL, Advocate (SR-94142[F] dated 24/10/2019)
+1 CC to Mr.S.M.MOHAN GANDHI, Advocate (SR-94182[F] dated
24/10/2019)

W.P. (MD)No.6025 of 2012
23.10.2019
(1/2)

cmr

MK (12.11.2019) 3P 4C