

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 01.12.2020

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.28309 of 2005 and
W.P.M.P.No.16673 of 2006

Ashok Leyland Ltd.
175, SIPCOT Industrial Complex,
Hosur 635 126

...Petitioner

Vs.

1.The Presiding Officer,
Labour Court, Salem.

2.S.Karuppannan

...Respondent

Prayer : Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Certiorari to call for the records and quash the Award dated 12/04/2005 in I.D.No.396 of 2002 on the file of the first respondent, Presiding Officer, Labour Court, Salem.

For Petitioner : Mr.C.Manohar Gupta
For M/s.Gupta & Ravi

For 1st Respondent : Court

For 2nd Respondent: Mr.S.Ayyadurai

ORDER

The prayer sought for herein is to issue a writ of certiorari to call for the records of the first respondent, Presiding Officer, Labour Court, Salem passed I.D.No.396 of 2002 dated 12.04.2005 and quash the Award.

2.Heard Mr.C.Manohar Gupta, learned counsel appearing for the petitioner and Mr.S.Ayyadurai, learned counsel appearing for the second respondent and they made submissions that, the issue raised in the writ petition has been amicably settled between the parties and to that effect, a Settlement under Section 2(P) read with Section 18(1) of the Industrial Disputes Act, 1947 has been reached and it has also been reduced in writing, where both

parties have signed. Therefore, in terms of the said settlement dated 25th November, 2020 by recording the same, this writ petition can be disposed of. The said Terms of the Settlement reads as follows:

"(1) The employee S.Karuppannan hereby accepts the order of termination dated 24/09/99 issued by the Ashok Leyland Limited as final, binding and irrevocable.

(2) The Management with a view to give quietus to the whole issue and purely on humanitarian grounds agrees to pay a one time Exgratia compensation of Rs.10 Lakhs to the employee S.Karuppannan in full and final settlement of all his claims, monetary or otherwise, including terminal benefits subject to Income Tax deductions.

(3) The employee S.Karuppannan agrees to receive the aforesaid payment of Rs.10,00,000/- (Rupees Ten Lakhs only) paid by the Ashok Leyland Limited in full and final settlement of all his claims monetary or otherwise, including terminal benefits and reinstatement subject to Income Tax deductions.

(4) Both the parties agree that payments made under Sec.17(B) of the Act to the employee will not be recovered or adjusted against the sum of Rs.10,00,000/- (Rupees Ten Lakhs only) agreed to be paid by the Management.

(5) The employee S.Karupannan hereby acknowledges receipt of the entire amount of Rs.10,00,000/- (Rupees Ten Lakhs only) due and payable to him in terms of the settlement by way of cheque No.421704 dated 24.11.2020 drawn on HDFC Bank, Hosur Branch subject to the Income Tax deductions. The employee S.Karupannan shall issue a stamped receipt acknowledging receipt of the said payment.

(6) The employee S.Karupannan hereby agrees that this Settlement is in full and final settlement of all his claims against the management, monetary or otherwise including terminal benefits, and that he will not raise any dispute claiming reinstatement / re-employment.

(7) The employee S.Karupannan hereby agrees that he has no further claims, monetary or otherwise, against the management including any claim for reinstatement / re-employment and terminal benefits.

(8) Both parties agree to file a copy of this Settlement before the Hon'ble High Court of Madras and request the Hon'ble High Court of Madras to take the settlement on file and pass an order in W.P.No.28309 of 2005 in terms of this settlement.

IN WITNESS WHEREOF THE PARTIES HEREUNTO HAVE SIGNED THIS AGREEMENT ON THIS 25th DAY OF NOVEMBER, 2020."

3. In view of the said submissions made by the learned counsel appearing for the parties, by taking into account the terms of settlement between the parties dated 25.11.2020 under Section 18(1) of the I.D. Act, this Writ Petition is disposed and the terms of the settlement referred to above shall form part of this order. No costs. Connected, M.P. is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

Sgl
To

The Presiding Officer,
Labour Court,
Salem.

+1 CC to M/s. Gupta & Ravi, Advocate sr 38534.

W.P.No.28309 of 2005

SSI (CO)
SP(06/01/2021)

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