

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.4587 & 1703 of 2014

and

M.P.No.1 of 2014

The Management of SRF Ltd.,

Plot No.K1, Sipcot Industrial Complex

Gummidipoondi - 601 201.

Thiruvallur District. Petitioner in W.P.No.4587/2014

V.Palaninathan

Peraringar Anna Street

P.T.Murthy Nagar,

Padiyanallur, Chennai-600 052.... Petitioner in W.P.No.1703/2014

vs.

The Presiding Officer

2nd Additional Labour Court

Chennai.

V.Palaninathan

S/o.R.Vellaisamy

.... Respondents in W.P.No.4587/2014

1 & 2

The Presiding Officer

II Additional Labour Court

High Court Campus

Chennai-600 104.

The Management

SRF Limited

Plot No.K1, SIPCOT Industrial Complex

Gummidipoondi

Tiruvallur District - 601 201.... Respondents in

W.P.No.1703/2014 1 & 2

Writ Petition No.4587/2014 filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari, to call for the records connected with I.D.No.165 of 2006 on the file of the 1st respondent and to quash the order dated 14.11.2013 insofar as it relates to grant of compensation (holding that the charge in relation to the incidents on

05.06.2003 and 06.06.2003 not established).

Writ Petition No.1703/2014 filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari filed Mandamus, to call for the concerned records from the 1st respondent, quash the Award passed by the 1st respondent Labour Court dated 14.11.2013 in I.D.No.165 of 2006 insofar as not granting the relief of reinstatement with full backwages, continuity of service and all other attendant benefits and consequently, direct the 2nd respondent to reinstate the petitioner with full backwages, continuity of service and all other attendant benefits.

For Petitioner in W.P.No.4587 of 2014

: Ms.Lakshya Anand
for S.Ramasubramaniam

For Petitioner in W.P.No.1703 of 2014

: Mr.Balan Haridas

For Respondent in W.P.No.4587 of 2014

: Mr.Balan Haridas, for R2

For Respondent in W.P.No.1703 of 2014

: Ms.Lakshya Anand, for R2

C O M M O N O R D E R

These writ petitions are filed against the Award dated 14.11.2013 passed by the first respondent.

2. Today, when the matter is taken up for hearing, it is represented by the learned counsels appearing on either side that the matter has been settled between the parties by way of entering into a settlement on 29.01.2020 under Section 18(1) of the Industrial Disputes Act, 1947.

3. A Joint Memo dated 30.01.2020 is filed, which reads as follows:

"The above named parties respectfully submit as follows:

The parties submit that the Writ Petition (W.P.No.1703 of 2014) filed by Mr.V.Palaninathan and the writ petition (W.P.No.4587 of 2014) filed by the Management of SRF Ltd., are against the Award dated 14.11.2013 passed by the Hon'ble Labour Court at Chennai in I.D.No.165 of 2006, and the same is pending. During the pendency of the above said writ petitions, both parties have agreed for an amicable, out of Court settlement.

Accordingly, the parties had entered into a settlement on 29.01.2020 under Section 18(1) of the Industrial Disputes Act, 1947. Upon, receipt of the payment/ex-gratia i.e. Rs.5,00,000/- (Rupees Five Lakhs Only) including gratuity, Leave Salary, LTA, Bonus, Medical reimbursement, wages for May 2014 etc., payable to the former employee in accordance with the provisions of the Payment of Gratuity Act under the said settlement, the Award dated 14.11.2013 passed by the Hon'ble Labour Court at Chennai, in I.D.No.165 of 2006, is not enforceable.

In the above said circumstances, it is therefore prayed that this Hon'ble Court may be pleased to permit Mr.V.Palaninathan (petitioner in W.P.No.1703 of 2014) and the Management of SRF Ltd., (petitioner in W.P.No.4587 of 2014) to withdraw the above mentioned writ petitions and record this joint memorandum of settlement and pass such further and other orders as this Hon'ble Court deems fit in the facts and circumstances of the present case."

4. The terms of settlement arrived between the parties dated 29.01.2020 is also filed along with the said joint memo.

5. In view of the above joint memo filed and the terms of settlement arrived between the parties, these Writ Petitions are disposed of, in terms of the above settlement dated 29.01.2020.

6. The Workman, viz., V.Palaninathan, is personally present before this Court and acknowledged the receipt of Cheque for a sum of Rs.5 Lakhs. In view of the terms of settlement arrived between the parties, the Workman V.Palaninathan, is permitted to withdraw the balance amount of Rs.1 Lakh lying in the concerned Court deposit, by filing appropriate application. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

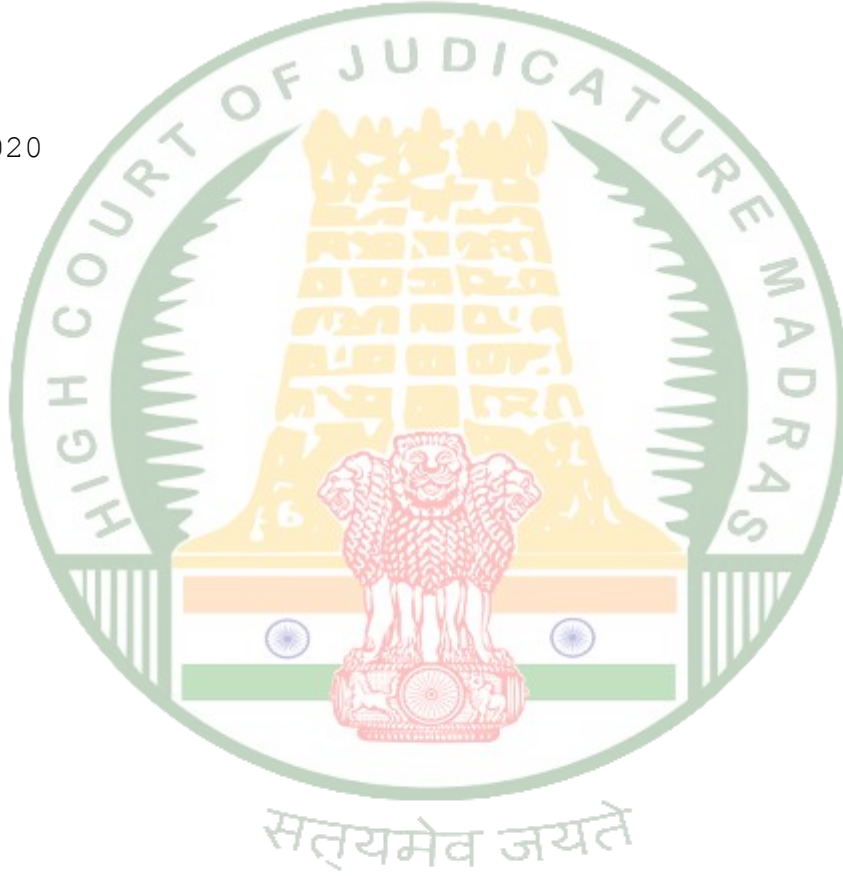
To

The Presiding Officer
II Additional Labour Court
High Court Campus
Chennai-600 104.

+2cc to Mr.S.Ramasubramanian & Associates sr7450 & 7451

W.P.Nos.4587 & 1703 of 2014

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