

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.5609 of 2017

The Management

M/s.Suspa Pneumatics India Private Ltd.,
Guduvancheri - Tiruporur Road,
Pandur Village, No.16,
Kayarambedu Post, Guduvancheri
Kancheepuram District - 603 202.

...Petitioner

vs.

1.The Assistant Commissioner of Labour
Conciliation-I
Sriperumbudur.

2.B.Rajasekaran
Emp.No.N00061
Kandhalavadi Village
Sithanangur Post, Ulundurpet Taluk
Villupuram District.

....Respondents

Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records connected with A.P.No.1057 of 2014 on the file of the 1st respondent and quash the order dated 27.01.2017.

For Petitioner : Mr.John
for M/s.Fox Mandal and Asso.
For Respondents : Mr.K.K.Ram Siddhartha
for M/s.Row & Reddy,
for R2

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O R D E R

This writ petition is filed challenging the order of the first respondent dated 27.01.2017 refusing to grant approval under Section 33(2)(b) of the Industrial Disputes Act, 1947, in respect of the order of dismissal dated 28.08.2014, passed by the petitioner-Management against the second respondent-Employee.

2. When the matter was taken on earlier occasion for hearing the interim applications, this Court on 27.04.2017, has granted an interim stay on condition that the petitioner deposits the backwages to the tune of Rs.3,66,850/- to the credit of W.P.No.5609 of 2017 with further observation that on such deposit, the second respondent/Workmen is entitled to withdraw 50% of the amount deposited.

3. The learned counsel for the petitioner submitted that the said conditional order has been complied with.

4. The learned counsel for the second respondent is not in a position to say whether the second respondent has withdrawn 50% of the amount deposited, since the learned counsel is unable to contact the second respondent.

5. However, when the matter was taken up on 03.01.2020, it was represented by the learned counsel for the petitioner that a settlement has been arrived at between the parties under Section 18(1) of the Industrial Disputes Act, dated 20.12.2019 and therefore, in view of such settlement, this writ petition may be disposed of, accordingly. The learned counsel for the second respondent sought time to get instructions.

6. Accordingly, the writ petition is listed today, for orders. The learned counsel for the second respondent submitted that though he is not in a position to contact the second respondent, he had information from the Union that there was a settlement arrived at between the petitioner and the second respondent.

7. Considering the above stated facts and circumstances and in view of the settlement arrived at between the petitioner and the second respondent/Workmen dated 20.12.2019, this Writ petition is disposed of in terms of the above settlement arrived at between the parties. Since one of the Clauses in the settlement permits the Management to withdraw the balance Court deposit and disburse the same to the second respondent, the petitioner-Management is thus, permitted to withdraw the balance amount, which is in the Court deposit (to the credit of W.P.No.5609 of 2017) and disburse the same to the second respondent. No costs.

Sd/-

Assistant Registrar

// True Copy//

Sub Assistant Registrar

mk

To

The Assistant Commissioner of Labour
Conciliation-I
Sriperumbudur.

+1cc to M/s.Fox Mandal and Associates, Advocate, SR.No.1207.

W.P.No.5609 of 2017

SR(CO)
CSR:30.01.2020



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