

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.10847 of 2012

R.Antony Ammal

... Petitioner

Vs.

1. The Management,
Dong-A India Automotives Pvt. Ltd.,
No.101/55, Thandalam Village,
Shreeperampudur,
Kancheepuram District.
 2. The General Manager,
Dong-A India Automotives Pvt. Ltd.,
No.101/55, Thandalam Village,
Shreeperampudur,
Kancheepuram District.
 3. The Presiding Officer,
Third Addl. Labour Court,
Chennai 600 104.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records on the file of the 3rd Respondent in connection with the Award passed in I.D.No.358 of 2008, dated 31.03.2011 by the 3rd Respondent and quash the same and consequently direct the 3rd Respondent to reinstate the Petitioner in service with full backwages and continuity of service with all attendant benefits.

For Petitioner : Mr.D.Nandagopal

For Respondents 1 & 2: Mr.Manohar Gupta,
for M/s.Gupta & Ravi

O R D E R

Petitioner has come up with this Writ Petition seeking to quash the Award dated 31.03.2011 passed by the 3rd Respondent in I.D.No.358 of 2008, and for a consequential direction to the 3rd

Respondent to reinstate her in service with full backwages and continuity of service, with all attendant benefits.

2. Heard the learned counsel on either side and perused the material documents available on record.

3. When the matter is taken up for hearing, learned counsel for the Petitioner submitted that, the Petitioner has filed a Memo dated 23.04.2021, agreeing to accept compensation of a sum of Rs.6,00,000/- (Rupees Six Lakhs only) as full and final settlement, excluding PF claim. He further submitted that, as the compensation is payable in lumpsum, the same shall not attract any PF contribution either by the employer or by the employee.

4. The Memo dated 23.04.2021 filed by the Petitioner shall form part of the record. The Respondent/Management is expected to pay a sum of Rs.6,00,000/- (Rupees Six Lakhs only) as compensation to the Petitioner in three equal monthly instalments, i.e. Rs.2,00,000/- (Rupees Two Lakhs only) per instalment. The first instalment shall be paid on 1st June 2021, and the second and third instalments shall be payable on 1st July 2021 and 1st August 2021, respectively. Further, the Respondent/Management is expected to assist the Petitioner to get PF amount, on furnishing of necessary particulars and duly signed Application form. It is made clear that, the said compensation payable to the Petitioner will not be considered for PF deduction.

5. In terms of the Memo dated 23.04.2021 and with the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To:

The Presiding Officer,
Third Addl. Labour Court,
Chennai 600 104.

+1cc to M/s.Gupta & Ravi, Advocate Sr.25619

+1cc to Mr.D.Nandagopal, Advocate Sr.25606

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ca[co]

srg 06/07/2021