

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

W.A.Nos.107 and 108 of 2011 and
M.P.No.1/2011 in W.A.No.107/2011

W.A.No.107/2011 :

The Management,
Luk India Private Limited
(formerly known as
Rane Luk Cluth Pvt. Ltd.),
Royakottah Road,
Hosur-635 109. Appellant/Petitioner

-vs-

1. The Presiding Officer,
Labour Court, Salem.

2. R.Ganesan ... Respondents/Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 21.09.2010 passed in W.P.No.36478/2005 by a learned Single Judge of this Court.

Prayer in W.P.36478 of 2005 : This Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of certiorari, calling for the records of the first respondent in I.D.No.324/2004 and quash the award dated 5.4.2005 insofar it directs the petitioner to pay compensation of Rs.60,000/- to the second respondent.

For Appellant : Mr.Anand Gopal
for M/s.T.S.Gopalan and Co.

For 2nd Respondent : Mr.B.Singaravelu

W.A.No.108/2011 :

Rane Luk Cluth Pvt. Ltd.,
Royakottah Road,
Hosur-635 109.

... Appellant/1st Respondent

-vs-

1. R.Ganesan

...1st Respondent/Petitioner

2. The Presiding Officer,
Labour Court, Salem.

... 2nd Respondent/2nd Respondent

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 21.09.2010 passed in W.P.No.24488/2005 by a learned Single Judge of this Court.

Prayer in W.P.No.24488 of 2006 : This Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of certiorarified mandamus, calling for the records of the 2nd respondent in connection with the award pronounced in I.D.No.324 of 2002 pronounced on 05.04.2005 and quash the same insofar as the petitioner has been denied reinstatement with back wages, continuity of service an direct the 1st respondent to pay full back wages continuity of service and all attendant benefits and award costs.

For Appellant : Mr.Anand Gopal
for M/s.T.S.Gopalan and Co.

For 1st Respondent : Mr.B.Singaravelu

COMMON JUDGMENT

(Judgment of the Court was pronounced by T.RAJA, J.)

The Writ Appeal in W.A.No.107/2011 has been filed against the order dated 21.09.2010 passed in W.P.No.36478/2005 whereas the Writ Appeal in W.A.No.108/2011 has been filed against the order dated 21.09.2010 passed in W.P.No.24488/2005, by a learned Single Judge of this Court.

2. When these appeals were called today i.e. on 16.04.2021, Mr.B.Singaravelu, learned Counsel for the Writ Petitioners stated that the prayers in these two Writ Appeals have already become infructuous since the issue-in-dispute has been amicably settled between the parties before the Tamil Nadu Mediation and Conciliation Centre attached to this Court, therefore, recording the same, both the Writ Appeals may be disposed of.

3. In this regard, it is relevant to extract the Settlement Agreement reached between the parties here under :

'SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT entered into on 09.07.2018 between THE MANAGEMENT OF LUK INDIA PVT.

LTD. And R.GANESAN

WHEREAS

1. Disputes and differences had arisen between the parties hereto and W.A.107 and 108 of 2011 was filed on 2011 before Hon'ble High Court, Madras.

2. The matter was referred to Mediation/Conciliation vide an order dated 18.04.2018 passed by Hon'ble JUSTICE VIMALA 7 JUSTICE RAMATHILAGAM, DIVISION BENCH, HIGH COURT, MADRAS.

3. The parties agreed that Mr.S.ARUNACHALAM would act as their Mediator/Conciliator.

4. Several meetings were held during the process of Mediation/Conciliation from 25.04.2018 to 09.07.2018 and the parties have with the assistances of the Mediator/Conciliator voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.

5. The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediator/Conciliator.

6. The following settlement has been arrived at between the parties hereto:

A. Workman R.Ganesan hereby accepts the order of dismissal dated 14.12.2001.

B. Workman R.Ganesan further agrees to not make any claim against the management in terms of the award passed in ID No.324 of 2002.

C. On an humanitarian ground, the management agreed to pay a sum of Rs.5,60,000/- by Demand Draft No.516912, ICICI Bank, dated 05.07.2018 and a sum of Rs.12,162/- towards Gratuity as full and final settlement.

D. Workman R.Ganesan agrees to receive the amount mentioned in the above clause as full and final settlement of all statutory and contractual dues and further agrees that he shall have no further claims against the management for the period he had worked or for employment or any other claim.

E. Both parties agree to file a copy of the settlement in W.A.No.107 and 108 of 2011 and shall pray for an order in terms of the settlement.

F. Management has handed over the required Forms for claiming pension and Provident Fund amounts. Respondent/Workman acknowledge Receipt.

7. By signing this Agreement the Parties hereto state tht they have no further claims or demands against each other with respect to W.A.Nos.107 and 108 of 2011, on the file of the High Court of Judicature

and all disputes and differences in this regard have been amicably settled by the Parties hereto through the process of Conciliation/Mediation.''

4. A perusal of the above Settlement Agreement dated 09.07.2018 reached between both the parties in both the Writ Appeals shows that the dispute between the parties has been amicably settled through the process of Conciliation/Mediation and the same was also signed by both the parties along with their respective Counsels in both the Writ Appeals.

5. Recording the said Settlement Agreement reached between the parties before the Mediation and Conciliation Centre attached to this Court, both the Writ Appeals stand closed since nothing survives for further adjudication. It is made clear that the Settlement Agreement dated 09.07.2018 shall form part of the records. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

tsi

To

The Presiding Officer,
Labour Court, Salem.

+2cc to M/s.R.Dhanalakshmi, Advocate SR.No.23218, 23219

W.A.Nos.107 and 108/2011

CP (CO)
GMY (17/06/2021)

WEB COPY