



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2021

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.20484 of 2007

The Management of
Chemplast Sanmar Ltd.,
Plant II
Raman Nagar PO
Mettur Dam 636 403,
Salem District.

... Petitioner

-vs-

1. The Presiding Officer
Labour Court,
Salem.
2. S.M.Selvaraj (deceased)
3. S.Suseela
4. S.Vignesh
5. S.Ruby

... Respondents

R3 to R5 are residing at No.9/88/C8, Near Taluk Office, Mettur Dam, Salem District 636 401. (R3 to R5 substituted as Legal heirs of deceased R2 vide order dated 15.06.2021 made in WMP.No.3674 of 2021 in W.P.No.20484 of 2007 by SVNJ

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari calling for the records of the 1st respondent in I.D.No.383 of 2003 and quash its award dated 12.06.2006.

For Petitioner : Mr.Haroon
for M/s.T.S.Gopalan and Co.,

For Respondents : Mr.K.Selvaraj for R3 to R5

ORDER

The Writ Petition is filed, seeking to quash the Award of the 1st respondent dated 12.06.2006 passed in I.D.No.383 of 2003,



by which, the 2nd Respondent / deceased employee was reinstated with backwages and other benefits.

2. When the matter is taken up for hearing today, learned counsel on either side submitted that the parties have arrived at an amicable settlement and in support of the same, they have also produced a Memorandum of Settlement before this Court. The terms in the Memorandum of Settlement are extracted below:

"Management is having several plants at Mettur. One Thiru.S.M.Selvaraj was employed as Helper in Plant II. On account of certain misconduct committed by the said Thiru.S.M.Selvaraj, he was issued with a charge sheet and ultimately on 22.05.2003 was terminated from the service of the Management. As against the dismissal Thiru.S.M.Selvaraj raised an industrial dispute in I.D.No.383 of 2002 and was adjudicated before the Labour Court, Salem. By award dated 12.06.2006, the Labour Court, Salem granted the relief of reinstatement to worker Thiru.S.M.Selvaraj along with back wages and other benefits. Management preferred Writ Petition No.20484 of 2007 and is pending. During the pendency of the said writ petition, the worker Thiru.S.M.Selvaraj, died leaving behind his legal heirs. Legal heirs of deceased Thiru.S.M.Selvaraj through their counsel sought for settlement of benefits instead of contesting the writ petition on merits. Considering the plight of deceased Thiru Selvaraj the Management acceded to the request of legal heirs and after discussions, parties arrived at a compromise, the terms of which are reduced hereunder.

2. Legal heirs of deceased Thiru.S.M.Selvaraj 1. S.Suseela 2. S.Vignesh 3. S.Ruby hereby willing to accept the cessation of employment in terms of order of termination dated 22.05.2003 and do not wish to contest the writ petition.

3. Legal heirs of deceased Thiru.S.M.Selvaraj hereby represents that the Management in terms of interim order dated 12.04.2010 passed in W.P.No.20484 of 2007 had deposited a sum of Rs.6,91,192 before the Labour Court, Salem in ID No.383 of 2003 and requested to withdraw the said amount along with accrued interest as full and final settlement of all the claims relating to deceased Thiru.S.M.Selvaraj.

4. In deference to the request of the legal heirs, Management on a humanitarian consideration agree for the above proposal and would abide permitting legal heirs to withdraw the said amount as full and final settlement of all claims of deceased Thiru.S.M.Selvaraj.

5. Legal heirs of deceased Thiru.S.M.Selvaraj further confirm that upon withdrawal of the aforesaid sum



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from the Labour Court, Salem on necessary application, they have no further claim whatsoever against the Management and the same would be in discharge of all other eligible dues.

6. Legal heirs also confirmed that gratuity to the tune of Rs.1,42,432/- and PF amounting to Rs.3,24,813/- have already been received as early as March, 2006.

7. Both the parties have agreed to file a copy of the settlement in W.P.No.20484 of 2007 and would pray for an order to modify the award in terms of the settlement.

8. With this settlement neither party shall have no claim whatsoever against the other in future.

9. Legal heirs of deceased worker Thiru.S.M.Selvaraj hereby confirms that the terms of settlement have been read over and explained to them in Tamil by their counsel and agreed to have understood the contents and executed the settlement on their own will."

3. Recording the above settlement entered into between the parties under Section 18(1) of Industrial Disputes Act, 1947, the writ petition is disposed of. It is made clear that in view of substitution of the Award on the basis of the settlement, the parties have no other claim whatsoever against each other, insofar as the present Industrial Dispute is concerned. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dpq

To:

The Presiding Officer,
Labour Court, Salem.

+1cc to M/s.T.S.Gopalan & Co., Sr.32043
+1cc to Mr.K.Selvaraj, Advocate Sr.31946

W.P.No.20484 of 2007

sra[co]
srg 11/08/2021