



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Pronounced on
31.07.2021	16.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.16635 of 2004

The Management of ABT parcel service,
101 Mount Road,
Guindy, Chennai 600 032.
represented by its General Manager-Personnel.

.... Petitioner

vs.

1. The Presiding Officer,
I Additional Labour Court,
Chennai.

2. K. Jalendran

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records of the 1st Respondent in I.D.No.554 of 1994 dated 23.12.2003 and quash the same.

For Petitioner : Ms.Swathika
For Mr.Haroon
For M/s.T.S.Gopalan & Co.

For R1 : Court
For R2 : Mr.K.Elango (R2)

ORDER

This Writ Petition has been filed, challenging the Award of the 1st Respondent dated 23.12.2003, passed in I.D.No.554 of 1994, by which, the Employee / 2nd Respondent was directed to be reinstated with continuity of service, full back wages and all other attendant benefits.



2. This Court, after hearing the submissions on either side in extenso, has reserved the case for judgment, on 31.07.2021 and after conclusion of their arguments on the said date, learned counsel for the parties also stated that settlement talks are going on between the Management and the Workman.

3. Now, learned counsel on either side has produced a Joint Memo dated 15.09.2021 on behalf of parties, stating the Parties have arrived at a Settlement under Section 18(1) of the Industrial Disputes Act, 1947 and recording the said Settlement, the Writ Petition may be disposed of. The terms of the 18(1) Settlement are extracted hereunder:

“MEMORANDAM OF SETTLEMENT ARRIVED UNDER SECTION 18(1)
OF
THE INDUSTRIAL DISPUTES ACT, 1947

Parties to the Settlement : The Management of - ABT Parcel
Service Coimbatore
AND
K Jalendran

Representing Employer : Saravanabavanandan S.A,
S/o.Mr.R.A.Angannan
Chief Human Resources Officer,
ABT Parcel Service,
180, Race Course Road,
Coimbatore - 641 018

Representing Workman : K.Jalendran
14 Third Street,
Mosque Colony,
Maduvankarai,
Guindy, Chennai-600 032.

Number and broad description : 1 Workman (one workman only)
of workman covered by
the settlement

Short Recital

Workman K.Jalendran was proceeded with by way of Disciplinary Action for certain acts of misconduct which was proved in the enquiry held for the purpose. On 28.12.1993 he was dismissed. He raised ID No 554 of



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1994 in Labour Court, Chennai claiming relief of reinstatement. By its award dated 23.12.2003, the Labour Court, set aside the order of dismissal and directed his reinstatement with full back wages. On 09.09.2004, the Workman was reinstated. On 17.05.2020, he reached the age of superannuation. The Management challenged the award of the Labour Court in so far as it relates to back wages. The Writ Petition was admitted on 18.06.2004. Subsequently, the workmen worked till the date of his superannuation. As regards the relief of back wages, both parties felt that consensus could be arrived as so as to put an end to the litigation. The Management agreed to pay a lumpsum amount of Rs.60,000/- And the workman also agreed to receive the said amount towards the relief of back wages. On the aforesaid understanding, the settlement was arrived at on the following terms :

1. Workman Thiru K.Jalendran was reinstated pursuant to the award of the Labour Court dated 23.12.2003 in ID No 554/94 and after reinstatement, he served till the age of superannuation and also received all his terminal benefits.
2. Regarding the relief of back wages which was also challenged in the Writ Petition, it is agreed between the parties that an adhoc amount of Rs.60,000/- shall be paid to the workman in full and final settlement of all his claims against the Management.
3. The Petitioner is not pressing for any relief in terms of the award dated 23.12.2003 in ID No 554/94.
4. It is further agreed by both the parties that a copy of this Settlement would be filed before the Hon'ble High Court in W.P. No.16635 of 2004 and pray for an order in terms of the settlement.
5. With this Settlement, neither party shall have any other claim against the other.

Dated at Chennai on this 19th day of August 2021.

Representing the Management Representing the Workman"

4. In view of the above submissions and recording the Joint Memo of Settlement dated 15.09.2021, this Writ Petition is



disposed of. The Joint Memo of Settlement dated 15.09.2021 shall form part of this order. No costs.

Enclosed Xerox Copy of Joint Compromise Memo

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Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

arr/ar

To:

The Presiding Officer,
I Additional Labour Court,
Chennai.

+1cc to M/s.T.S.Gopalan & Co., Advocate, S.R.No.47380

+1cc to M/s.K.Elango, Advocate, S.R.No.47418

W.P.No.16635 of 2004

NR(CO)
SB(27/10/2021)