

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.19632 of 2015
and M.P.No.1 of 2015

1.R.Palanisamy

2.P.Chinnusamy

3.K.Subramaniam

4.P.Ravichandran

5.K.Sivanathan

6.M.Saravanan

... Petitioners.

Vs.

1.The General Secretary
Salem District Agricultural Producers
Co-operative Marketing Society
Anna Employees Union
No.6, Nathavali Street,
Tiruchengode
Namakkal District

2.The Management
Salem District Agricultural Producers
Co-operative Marketing Society
Velur Road
Tiruchengode
Namakkal District

3.The Presiding Officer
The Labour Court
Salem,
Salem District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records pertaining to the impugned Award dated 13.01.2015 (Served on 17.06.2015) made in I.D.No.233 of 1999 passed by the Labour Court, Salem quash the same.

For Petitioner : Mr.N.Manokaran

For Respondents: Mr.Md.Nazarullah for R1

: Mr.L.P.Shanmugasundaram,
Spl.Govt.Pleader for R2

O R D E R

This writ petition has been preferred against the award passed by the Labour Court, Salem in I.D.No.233 of 1999 dated 13.01.2015 (served on 22.06.2015).

2. When the matter is taken up for hearing, it was brought to the notice of the Court that the parties have negotiated and settled the matter. Consequent to it the 1st respondent union has filed an affidavit. The relevant portion of the affidavit reads as under:

"4. I submit that the petitioners have been given promotion to the post of marketing section assistant from 09.09.1997, whereas, the Ld. Labour Court has granted an Award by directing the 2nd respondent society to promote the members of the Union to the post of marketing section assistant with 50% monetary benefit from 01.12.1994. Now, the following members alone are working as the junior assistant

1. M.Raju
2. P. Ashokan
3. M.Shakila
4. A. Ravichandran
5. S.Kuppusamy
6. M.S.Jayanthi
7. M.Selvam
8. K.Marappan

The above members of the 1st respondent union, for whom ID No.233 of 1999 was filed, have agreed to accept the promotion to the post of marketing section assistant w.e.f 10.09.1997 with 10% of monetary benefits from 13.01.2015.

5. I submit that in view of the above settlement, neither the petitioners nor the members of the 1st respondent Union named above or the 2nd respondent management will get prejudiced. Therefore, I pray this Hon'ble Court to modify the Award dated 13.01.2015 made in ID No.233 of 1999 passed by the Ld. Labour Court, Salem by granting the benefit of promotion to the post of Marketing Section Assistant from

10.09.1997 instead of 01.12.1994 with 10% of the monetary benefits from 13.01.2015. I pray this Hon'ble Court to dispose of the above writ petition with the above modification and thus render justice.

3. The offer made by the 1st respondent Union was accepted by the petitioners and the management. The management has also sent a letter to Special Government Pleader dated 02.02.2021 accepting the proposal. Since all the parties have agreed for the proposal, the award is modified giving effect to the settlement and to grant benefit of promotion to the members of the 1st respondent Union who are named in the affidavit filed by the member of the 1st respondent Union to the post of marketing section assistant from 10.09.1997 instead of 01.12.1994 with 10% of the monetary benefits from 13.01.2015.

With the above modification to the Award, the writ petition is ordered. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

kpr
To
The Judge
Labour Court, Salem.

+1 cc to M/s.N.Manokaran, Advocate Sr.No. 14042
+1 cc to M/s.L.P.Shanmugasundaram, Advocate Sr.No. 14276
+1 cc to The Government Pleader Sr.No. 14414

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PL(CO)
RMP(24/03/2021)

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