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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.34854 of 2015

S.Mahaboob John

...Petitioner

-Vs-

1.The Presiding Officer,
Labour Court, Salem.

2.S.402, Yercaud Hill Tribe,
Large Sized Multipurpose
Co-operative Society Limited,
Rep by its Special Officer,
Yercaud, Salem District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records connected with the award dated 16.02.2009 passed by the 1st respondent/Labour Court in I.D.No.126/2002, so far as it relates to the denial of 50% back wages, quash the same and also direct the 2nd respondent/Management to reinstate the petitioner with full back wages, continuity of service and all other attendant benefits.

For Petitioner : Mrs.S.Giriya

For Respondents : Mr.M.S.Palaniswamy for R2
R1- Labour Court

O R D E R

Pending the Writ Petition, the dispute among the parties are referred to the National Lok Adalat and by an award dated 10.02.2018, the dispute was amicably resolved. The terms of settlement as per the award reads as follows:

"1.As against the award made in I.D.No.126 of 2002 on the file of the Labour Court, Salem dated 16.02.2009, the petitioner/Society has preferred this Writ Petition.



2.As per the award of the Labour Court, the second respondent was directed to be reinstated into service with 50% of back wages.

3.After due discussion and deliberation, now the parties have come to the settlement according to which, the second respondent shall be reinstated on or before 20.02.2018. Also, the second respondent shall be entitled to claim only 25% of back wages i.e., the remaining 50% of back wages out of 50% of back wages as awarded by the Labour Court.

4.It is informed that 50% of the Labour Court award of 50% of back wages had already been received by the 2nd respondent, pursuant to the interim order passed by this Court, during the pendency of this Writ Petition. Such receipt of payment of the back wages as directed by this Court by the second respondent is hereby recorded.

5.That apart the second respondent shall also be entitled to get all retiral benefits on superannuation with continuity of service. It is also recorded that during the pendency of this Writ Petition, the second respondent has received 17(b) wages as directed by this Court.

6.With the above terms, the settlement reached between the parties is hereby recorded. Accordingly, this Writ Petition is disposed of as settled out of Court. No costs."

2.By recording the terms of settlement, this Writ Petition stands closed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vr

To:

1.The Presiding Officer,
Labour Court, Salem.



2.The Special Officer,
S.402, Yercaud Hill Tribe,
Large Sized Multipurpose
Co-operative Society Limited,
Yercaud, Salem District.

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+1cc to Mr.M.S.Palaniswamy, Advocate SR. No.68991

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MG (CO)
PR (06/01/2022)