

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

WP NOS.36812 OF 2016 AND 6404 OF 2017
AND

WMP NO.6909 OF 2017

W.P.NO.36812 OF 2016

M.R.Palanichamy

... Petitioner

Versus

1.The Presiding Officer
Labour Court,
Salem.

2.The Management
M/s.Sakthi Sugars Limited
Sakthi Nagar,
Erode District - 638 315.

... 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 pertaining to the order passed by the 1st respondent in I.D.No.562/2000 and quash the award dated 17.12.2012 and further direct the 2nd respondent to reinstate the petitioner in service with continuity of service, backwages and all other attendant benefits.

For Petitioner : Mr.K.V.Shanmuganathan

For Respondent-2 : Mr.Anand Gopalan
for M/s.T.S.Copalan & Co.,

W.P.NO.6404 OF 2017

The Management of
M/s.Sakthi Sugars Limited
Sakthi Nagar - 638 315.
Erode District.
Rep. by Sr.Vice President - HRD

... Petitioner

Versus

1.The Presiding Officer
Labour Court,
Salem.

2.M.R.Palanichamy

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the 1st respondent in I.D.No.562 of 2000 and quash the award dated 17.12.2012.

For Petitioner : Mr.Anand Gopalan
for M/s.T.S.Copalan & Co.,

For Respondent-2 : Mr.K.V.Shanmuganathan

COMMON ORDER

The learned counsel appearing for the petitioner in W.P.No.6404 of 2017 and the learned counsel appearing for the petitioner in W.P.No.36812 of 2016 have filed Memorandum of Settlement under Section 18(1) of the Industrial Disputes Act, 1947, dated 30.12.2020, duly signed by the workman and the Management and duly attested by witnesses, which reads as under:

"MEMORANDUM OF SETTLEMENT REACHED UNDER
SECTION 18(1) OF THE INDUSTRIAL DISPUTES ACT

Parties to the Settlement	Management of Sakthi Sugars Limited Sakthinagar, Bhavani TK Erode District - 638315. HO: 180 Race Course Road Coimbatore - 641 018.
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AND

Representing Management	M.R.Palanisamy
Representing Workman	Workman
Total No. of Workman	Represented by its M.R.Palanisamy
	1 workman only

SHORT RECITAL

Thiru M R Palanisamy who was an employee of Sakthi Sugars Limited, Sakthinagar, Erode District, having Head Office at 180, Race

Course Road, Coimbatore District, was dismissed for certain acts of misconduct in the year 2000. He raised an Industrial Dispute challenging the order of dismissal. The dispute was taken up before the Labour Court, Salem in ID No.562 of 2000. The Labour Court, Salem by its award dated 17.12.2012 directed the Management to pay a compensation of Rs.3,49,600/- to the workman instead of reinstatement. The Management on receipt of the award had sent a Demand Draft for the said amount. However, the workman refused to receive the same. After a lapse of nearly 3 years, the workman filed Writ Petition No.36812 of 2016 challenging the award and the Management also aggrieved by the said award filed Writ Petition No.6404 of 2017. On 05.06.2016, the workman M R Palanisamy attained the age of superannuation. In these circumstances, he approached the Management for an out of court settlement. Accordingly, both parties had negotiations and have arrived at a settlement on the following terms and conditions:

TERMS AND CONDITIONS

1. Workman Thiru M R Palanisamy hereby accepts the order of dismissal dated 18.04.2000.
2. Workman Thiru M R Palanisamy agrees not to press the dispute raised by him before the Labour Court, Salem, in ID No.562 of 2000 and the award dated 17.12.2012 in ID No.562 of 2000.
3. The Management on humanitarian ground, without setting any precedent given that the order of dismissal is accepted by the workman has agreed to pay a sum of Rs.7,00,000/-.
4. Workman Thiru M R Palanisamy hereby agrees to receive the sum of Rs.7,00,000/- subject to tax deducted at source as full and final settlement of all his statutory and contractual monetary dues.
5. The Management agrees to pay the sum of Rs.7,00,000/- after deduction of tax by a Cheque No.573662 dated 30.12.2020 drawn on Canara Bank as Full and Final Settlement.
6. Workman Thiru M R Palanisamy acknowledges receipt of the same.
7. Workman Thiru M R Palanisamy further agrees and affirms that upon receipt of

the above referred payment, he shall have no claim against the management whatsoever for any amounts for the period he was in service either statutory or contractual or for employment or any other claim against the management whatsoever.

8. Both parties agree to file a copy of this settlement before the Hon'ble High Court in WP Nos.36812 of 2016 and 6404 of 2017 and shall pray that the Writ Petitions be disposed off in terms of this Settlement and that this settlement shall replace the award of the Labour Court, Salem, in ID No.562 of 2000.

9. With this settlement, neither party shall have any claim against the other statutorily, contractually or otherwise including employment and re-employment.

Dated at Erode this the 30th day of December 2020. "

2. The Memorandum of Settlement dated 30.12.2020 filed by the parties under Section 18(1) of the Industrial Disputes Act, 1947, is taken on record and the Writ Petitions are ordered in terms of the Memorandum of Settlement. The Memorandum of Settlement shall form part and parcel of the records. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

TK
To

The Presiding Officer,
Labour Court,
Salem.

+1cc to M/s.T.S.Gopal & Co, Advocate Sr.8708

WP NOS.36812 OF 2016 & 6404 OF 2017

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srg 03/03/2021