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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

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THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.14843 of 2020
and W.M.P.No.18444 of 2020

U.M.Saleem Khan

... Petitioner

Vs.

1.The Joint Commissioner of Labour - 1,
Labour Department,
Labour Welfare Building,
6th Floor, D.M.S.Complex,
Teynampet, Chennai - 600 006.

2.The District Collector,
District of Chennai,
Sigaravellar Maligai,
Chennai - 600 001.

3.The Tahsildhar,
Purasaivakkam Taluk,
Purasaivakkam,
Chennai - 600 003.

4.R.Masilamani

... Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 1st respondent to record the full and final settlement by way of memo of compromise and affidavit both dated 27.07.2019 executed between the petitioner and the 4th respondent for a sum of Rs.1,00,000/- (Rupees One Lakh Only) as against the Award P.E.V.No.153/14) dated 04.01.2017 passed by the 1st respondent in W.C.No.153 of 2014 and thereby relieve the petitioner against the claim in impugned notice R.C.B2/2352-8/2020, dated 02.03.2020 by the 2nd respondent.

For Petitioner : Mr.Girija Velmurugan

For Respondent
Nos.1 to 3 : Mr.V.Nanmaran
Government Advocate

For Respondent No.4 : M/s.Chennai Law Associates



O R D E R

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the 1st respondent to record the full and final settlement by way of memo of compromise and affidavit both dated 27.07.2019 executed between the petitioner and the 4th respondent for a sum of Rs.1,00,000/- (Rupees One Lakh Only) as against the Award P.E.V.No.153/14) dated 04.01.2017 passed by the 1st respondent in W.C.No.153 of 2014 and thereby relieve the petitioner against the claim in impugned notice R.C.B2/2352-8/2020, dated 03.08.2020 by the 2nd respondent.

2. By consent of both parties, the matter was referred to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, by order dated 30.03.2021.

3. Pursuant to the negotiations, the parties have settled their disputes and a report was sent by the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, in Mediation File No.136/2021 dated 05.10.2021, attaching the Settlement Agreement dated 27.09.2021 signed by the parties and duly attested by their respective counsel. The said Settlement Agreement is extracted as follows:-

SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT in W.P.No.14843/2020 against the Award in W.C.No.153/2014 dated 04.01.2017 passed by Deputy Commissioner of Labour 1 entered into on 27.09.2021 Monday in the presence of counsels for both the parties.

BETWEEN

Mr.U.M.SALEEMKHAN, Aged about 63 years, Proprietor of M/s.U.M.S. Enterprise having office at No.5, Chinna Thambi Street, Minarva Theater Backside, Broadway, Chennai - 600 001, the Writ Petitioner herein referred as 1st part,

AND

Mr.R.MASILAMANI, S/o.Raman Aged about 39 years, residing at Old No.81, Cross Road, Door No.41, Burma Coloby, Tondiarpet, Chennai - 600 012, 4th respondent herein referred as 2nd part,

WHEREAS

1. Aggrieved by the Award in W.C.No.153/2014 dated 04.01.2017 passed by the Deputy Commissioner of Labour 1, the 1st part preferred W.P.No.14843/2020 on October 2020. Disputes and differences had arisen between the parties hereto and



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W.P.No.14843/2020 was filed on October 2020.

2. While hearing the Writ Petition the Hon'ble High Court referred to Mediation/Conciliation vide an order dated 30.03.2021 passed by Lordship Mr.Justice M.Govindaraj to give a quietus to the dispute between both the parties.
3. Mr.V.T.BALAJI, Advocate was appointed as Mediator/Conciliator in the above mentioned Mediation proceedings.
4. Several meetings were held during the process of Mediation/Conciliation from 23.08.2021 to 15.09.2021 and the parties have with the assistance of the Mediator/Conciliator voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.
5. The parties hereto confirm and declare that they have voluntarily and out of their own free will arrived at this Settlement Agreement in the presence of the Mediator/Conciliator.
6. The following settlement has been arrived at between the parties hereto;
The parties hereto confirm and declare that they have voluntarily and out of their own free will arrived at this Settlement Agreement in the presence of the Mediator/Conciliator.
A. That the 1st part shall pay the 2nd part a sum of Rs.1,10,000/- by way of cash towards full and final settlement of all the claims and demands of the 2nd part herein.

B. The 2nd part expressed his willingness to accept the said sum of Rs.1,10,000/- as his final settlement towards the award in W.C.No.153/2014 dated 04.01.2017 passed by the Deputy Commissioner of Labour-1, Chennai, and in addition to this he acknowledged the earlier receipt of sum of Rs.1,00,000/- which was paid on 27.07.2019 vide cheque number 017307 issued by Lakshmi Vilas Bank and in total a sum of Rs.2,10,000/- was paid as full and final settlement towards the Award. The present compromise memo and hereby declares that 2nd part would not have any further or other claims of any nature whatsoever towards the 1st part and/or his Men, Agent, Servant, Company herein.
7. By signing this agreement the 1st part and the 2nd part states that they have no further claims or demands as against each other with respect to the present W.P.No.14843/2020 against the Award in W.C.No.153/2014 dated 04.01.2017 passed by the Deputy Commissioner of Labour 1, as well as the



other Writ Petition filed by the 2nd part in W.P.No.108/2020 and that all dispute and differences have been amicably settled amongst them through the process of Mediation.

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4. The said Settlement Agreement is taken on record and the same shall form part of the order. The Writ Petition is ordered in terms of the Mediation Settlement. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Joint Commissioner of Labour - 1,
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- 3.The Tahsildhar,
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and W.M.P.No.18444 of 2020

GSM (CO)
PR (10/11/2021)