

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.26359 of 2018
and
W.M.P.No.30632 of 2018

The Management of Hotel Himalaya,
No.54/91, Triplicane High Road,
Triplicane, Chennai - 600 005.

... Petitioner

Vs.

1. The Presiding Officer,
III Additional Labour Court,
City Civil Court Buildings,
Chennai - 600 104.

2. M.S.Mohideen

... Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the Award passed in I.D.No.40/2013 dated 18.07.2017 on the file of the III Additional Labour Court, Chennai, and quash the same.

For Petitioner : Mr.S.Kanniah

For 2nd Respondent : M/s.K.Elango

O R D E R

The learned counsel appearing for both sides appeared online and submitted that they have filed a Joint Memo of Compromise dated 30.10.2020 duly signed by the parties and attested by the learned counsel appearing for the parties.

2. The said Joint Memo of Compromise reads as follows:-

"The petitioner and the II respondent herein has obtained ex Exparte Award Dt. 18.7.2017 in I.D.No.40 of 2013 against the interests of the petitioner before the III Additional Labour Court, Chennai. Hence, the petitioner has filed the above Writ Petition before this Hon'ble Court. The second respondent then filed a claim petition before the Labour Court for computation of his monetary benefits before the Labour Court. The said claim petition C.P.No.143 of 2018 was allowed by an order Dt. 4.2.20 fixing the amount at Rs.1,82,500/-.

While the petitioner was contemplating to challenge the said orders, the second respondent approached the petitioner for resolving the dispute amicably, and for which the petitioner has agreed.

In pursuance to the same, the petitioner and the second respondent agree and pray that orders may be passed in the above Writ Petition on the following terms:-

A) The petitioner is willing to pay a sum of Rs.1,30,000/- (Rs. One lakh and thirty thousand only) for full and final settlement of the entire claim of second respondent against the petitioner.

B) The second respondent has accepted the same and infact has received a sum of Rs.1,30,000/- from the petitioner, and passed on receipt in his favour, for full and final settlement of all his claim against the petitioner.

C) The second respondent asserts that he has no further claim whatsoever past or future against the petitioner relating to the Award passed and the orders as well by the III Additional Labour Court, and the Writ Petition may be closed accordingly."

3. Recording the said Memo, the Writ Petition is ordered in terms of the Joint Memo of Compromise dated 30.10.2020. The Joint Compromise Memo shall form part of the order. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

(*) Copy of JOINT MEMO FILED BY THE PETITIONER AND SECOND RESPONDENT, enclosed herewith.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Presiding Officer,
III Additional Labour Court,
City Civil Court Buildings, Chennai - 600 104.

+1cc to Mr.S.Kanniah, Advocate SR.NO.6142

AKM/23.02.21/ 2P-3C/

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