



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.(MD) No.469 of 2019

and C.M.P.(MD) Nos.3998 and 8269 of 2019

The Management,
Dalmia Cement (Bharat) Ltd.,
Dalmiapuram, Lalgudi Taluk,
Trichy District.

... Appellant/Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Tiruchirapalli.
2.R.Ramadurai

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order, dated 04.06.2018, made in W.P.(MD) No.1604 of 2014 by allowing the appeal.

Prayer in WP(MD). 1604/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the 1st respondent relating to the order in preliminary issue dated 24.07.2012 and the award in I.D. No. 76/2008 dated 01.04.2013 and quash the same.

For Petitioner : Ms.P.Malini

For Respondent No 2 : Mr.P.Balasubramanian

J U D G E M E N T

(Judgment of the Court was made by PUSHPA SATHYANARAYANA,J.)

When the matter was taken up for hearing on 26.11.2021, it was stated that the matter would be settled and therefore, the matter is posted today (16.12.2021) under the caption "for reporting settlement".

2.Today, a Joint Memo of Compromise was filed, signed by the General Manager-HR, on behalf of the appellant company, and the second respondent. The second respondent is also present before this Court.



3.The terms of the Joint Memo of Compromise reads as follows:

- 1.The 2nd Respondent, Mr. R. Ramadurai, S/o. Rengarajan has agreed to withdraw all legal proceedings against the Appellant Management, including I.D. No.76/2008 and shall not press for any relief in terms of the award passed in the said Dispute or in terms of the Order of this Hon'ble Court in W.P.(MD) No.1604/2014.
- 2.The 2nd Respondent Mr. R. Ramadurai accepts the cessation of his employment from the service of the Appellant Management w.e.f. 27.05.2006 and that he shall not be entitled to any statutory or contractual monetary dues, apart from what is provided below:-
 - a. The Management, taking into consideration of the period of service rendered by the 2nd Respondent Mr. R. Ramadurai, and in order to give a quietus to the long pending litigation, agrees to pay him a lumpsum amount of Rs.23,00,000/- (Rupees twenty-three lakhs only). All applicable taxes to be borne by Mr. Ramadurai will be paid on his behalf to the authority and the rest would be paid from the lumpsum.
 - b. This amount shall be paid by the Management on Mr. R. Ramadurai withdrawing all the disputes.
- 3.It is agreed by both the parties that, on payment of the above amount to Mr.R.Ramadurai, both the parties will sign a settlement under Section 18(1) of the Industrial Disputes Act 1947.
- 4.It is also agreed that both the parties will file a copy of this Memo before the Hon'ble High Court and shall seek disposal of the Pending Writ Appeal in terms of this joint memo of compromise, and in substitution of the award passed by the Labour Court in I.D. No. 76/2008."

The terms of the Joint Memo of Compromise is recorded.

4.The Writ Appeal stands disposed of in terms of the Joint Memo of Compromise. The Joint Memo of Compromise shall form part of this judgment. No costs. Consequently, connected Miscellaneous Petition are closed.

Sd/-

Assistant Registrar (CS III)

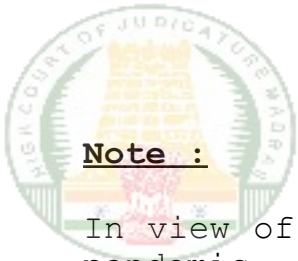
// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sj

<https://hccourtscsrecorder.hccourtscs.org/portal/pos/sign/> **Enc1: Photocopy of Joint Compromise Memo attached.**



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Presiding Officer,
Labour Court,
Tiruchirapalli.

+1 CC to M/s.T.S.Gopalan, Advocate (SR.No.39226)

+1 CC to M/s.P.Balasubramanian, Advocate (SR.No.39392)

W.A. (MD) No.469 of 2019
16.12.2021

MGJ(03.01.2022) 3P 4C