



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.29492 of 2003

L.John Peter

... Petitioner

Vs.

1. The Presiding Officer,
Labour Court, Karaikal.

2. The Management of Soundararaja Mills Ltd.,
Nedungadu,
Karaikal - 609 603.

... Respondents

PRAYER: This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, calling for the records from the first respondent Labour Court, Karaikal relating to I.D.No.6 of 1999 quash the Award dated 30.10.2002 which is filed and marked as Exhibit "A" and consequently issue a Mandamus substituting the impugned Award with the relief of reinstatement with backwages, continuity of service and award costs.

For Petitioner	: Mr.V.Govardhan for M/s.Row & Reddy.
For Respondents	: M/s.Sreenithi for M/s.T.S.Gopalan & Co.



ORDER

Challenging the award of the Labour Court dated 30.10.2002 in I.D.No.6 of 1999, the petitioner has filed in the present writ petition.

2. The petitioner joined the second respondent Mill in the year 1989 as daily wager and till the dismissal order dated 24.09.1997, he continued as such. A domestic enquiry was held and the same was concluded on 23.07.1997 for the charges leveled against the petitioner. The enquiry officer gave his findings on 05.09.1997 holding that the petitioner was guilty of charges. According to the petitioner, without giving a copy of the findings and calling for explanation on the findings of the enquiry officer's report, the second respondent management straight away issued the second show cause notice on 14.09.1997. The same is contrary to the judgment of the Hon'ble Apex Court. On 17.09.1997, the petitioner submitted the explanation to the second show cause notice. However, without considering the same, the petitioner was dismissed from service. Assailing the same, the petitioner has raised the industrial dispute. By the impugned order, the Industrial Disputes Tribunal dismissed the I.D.No.6 of 1999.

3. Aggrieved by the order of the Industrial Disputes Tribunal, the



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petitioner has filed the present writ petition and the same was admitted on 21.10.2003 and adjourned from time to time at the request of both sides on the ground of amicable settlement between the parties.

4. It is to be noted that the matter is listed on several occasions and on 12.06.2023, the learned counsel appearing on both sides submitted that they agree to settle the matter amicably.

5. On 12.06.2023, when the matter was taken up for hearing, this Court directed the learned counsel appearing for the second respondent to get instructions with regard to the payment of compensation of Rs.1,00,000/- which was claimed by the petitioner and accordingly, the matter was directed to be listed on 23.06.2023. On 23.06.2023, at request of the parties, the matter was again adjourned to 30.06.2023.

6. Today when the matter is taken up for hearing, the learned counsel for the second respondent submitted that the second respondent has agreed to pay a sum of Rs.1,00,000/- as compensation to the petitioner, within a period



of eight weeks from the date of receipt of a copy of this order and the learned counsel for the petitioner has also accepted the said submission.

7. In view of the submission made by the learned counsel for the petitioner as well as the second respondent and without going into the merits and contentions of the parties and in the interest of justice, this Court directs the second respondent to pay a sum of Rs.1,00,000/- (Rupees one lakh only) to the petitioner as compensation within a period of eight weeks from the date of receipt of a copy of this order.

8. Accordingly, the writ petition is disposed of with the above direction. No costs.

30.06.2023

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Labour Court, Karaikal.

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J. SATHYA NARAYANA PRASAD, J.



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