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W.P. Nos.749 and 786 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2023

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. Nos.749 and 786 of 2010

K.Mohan ... Petitioner in W.P.No.749 of 2010

M.Devakumar ... Petitioner in W.P.No.786 of 2010

Vs.

1.The Presiding Officer,
2nd Additional Labour Court,
Chennai.

2.The Managing Partner,
M/s.Meera Engineering Consultant,
Plot No.103, Developed Plot Estate,
Perungudi, Chennai-600 096. ... Respondents in both W.Ps.

PRAYER in W.P.No.749 of 2010 : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus calling records from the 1st Respondent Labour Court relating to its Award dated 08.02.2008 in I.D.No.344 of 2001 and quash the same and direct the 2nd Respondent to reinstate the petitioner in service with full backwages, continuity of service and other attendant benefits.

PRAYER in W.P.No.786 of 2010 : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus calling records from the 1st Respondent II Additional Labour Court, Chennai relating to its Award dated 08.02.2008 in I.D.No.345 of



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2001 and quash the same and direct the 2nd Respondent to reinstate the petitioner in service with full backwages, continuity of service and other attendant benefits.

For Petitioners : Mr.S.Ravi
in both W.Ps.

For Respondent 1 : Court
in both W.Ps.

For Respondent 2 : Mr.A.Venkatesh Kumar
in both W.Ps. for M/s.Gupta and Ravi

COMMON ORDER

The above two writ petitions were referred to the Tamil Nadu Mediation and Conciliation Centre, Chennai for settlement vide order of this Court dated 01.04.2022.

2. These writ petitions are listed before this Court today under the caption "Mediation settled cases". It is submitted by the learned counsel for the petitioners and the Respondents that these matters have been settled before the Mediation Center. The Settlement agreement in respect of the captioned writ petitions are extracted hereunder:

Terms of Settlement in W.P.No.749 of 2010:



a) *The employee hereby accepts the order of termination dated 19.09.2008 issued by the Management as final, binding and irrevocable.*

b) *In consideration of the aforesaid acceptance by the employee and taking into account the long period of service rendered by the employee, the employer has agreed to pay a lumpsum compensation of Rs.4,00,000/- (Rupees Four lakhs only) in three installments to the employee inclusive of all other amounts due in full and final settlement of all his claims, monetary or otherwise, including terminal benefits.*

c) *The employee hereby agrees to receive the aforesaid sum of Rs.4,00,000/- (Rupees Four Lakhs only) in three installments in full and final settlement of all his claims monetary or otherwise including terminal benefits, including the claim made in W.P.No.749 of 2010.*

d) *The employer agrees to pay the sum of Rs.4,00,000/- (Rupees Four lakhs only) in the following manner*

- a. *Cheque No.956651 dated 31.08.2022 for Rs.1,00,000/-.*
- b. *Cheque No.956653 dated 15.09.2022 for Rs.1,50,000/- and*
- c. *Cheque No.956655 dated 15.10.2022 for Rs.1,50,000/-.*

e) *The employee hereby agrees that he will not be entitled to any other amount or benefit and that the amount paid under this Settlement is in full and final settlement of all his claims including terminal benefits.*

f) *Both parties agree to file a copy of the settlement in*



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W.P.No.749 of 2010 and request the Hon'ble High Court to dispose of W.P.No.749 of 2010 as settled out of Court."

Terms of Settlement in W.P.No.786 of 2010:

"a. The employee hereby accepts the order of termination dated 19.09.2008 issued by the Management as final, binding and irrevocable.

b. In consideration of the aforesaid acceptance by the employee and taking into account the long period of service rendered by the employee, the employer has agreed to pay a lump sum compensation of Rs.4,00,000/- (Rupees Four Lakhs only) in three installments to the employee inclusive of all other amounts due in full and final settlement of all his claims, monetary or otherwise, including terminal benefits.

c. The employee hereby agrees to receive the aforesaid sum of Rs.4,00,000/- (Rupees Four Lakhs only) in three installments in full and final settlement of all his claims monetary or otherwise including terminal benefits, including the claim made in W.P.No.786 of 2010.

d. The employer agrees to pay the sum of Rs.4,00,000/- (Rupees Four Lakhs only) in the following manner

- a) Cheque No.956652 dated 31.08.2022 for Rs.1,00,000/-.*
- b) Cheque No.956654 dated 15.09.2022 for Rs.1,50,000/- and*
- c) Cheque No.956656 dated 15.10.2022 for Rs.1,50,000/-.*

e. The employee hereby agrees that he will not be entitled to



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any other amount or benefit and that the amount paid under this Settlement is in full and final settlement of all his claims including terminal benefits.

f. Both parties agree to file a copy of the settlement in W.P.No.786 of 2010 and request the Hon'ble High Court to dispose of W.P.No.786 of 2010 as settled out of Court."

3. Recording the submissions made by the counsel on both sides and the terms of settlement entered into by the parties (stated supra), these writ petitions stand closed. No costs.

03.03.2023

Speaking (or) Non Speaking Order
Index : Yes/ No
Neutral Citation : Yes/No
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MOHAMMED SHAFFIQ, J.

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To:
The Presiding Officer,
2nd Additional Labour Court,
Chennai.

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03.03.2023