



WEB COPY



W.P.No.3685 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3685 of 2018

And

W.M.P.No.4512 of 2018

M/s.Repute Express (Local Couriers)
Represented by its Branch Manager

... Petitioner

Vs.

1.The Presiding Officer
II – Additional Labour Court,
Chennai – 600 104.

2.A.Pitchandi

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records in I.D.No.325 of 2006 on the file of the first respondent and quash the award dated 31.08.2017.

For Petitioner : Mr.M.Vijayan
for M/s.C.Prabhakaran
For Respondents : R1 – Labour Court
Mr.S.Parthasarathy for R2

O R D E R

The petitioner has filed this writ petition seeking issuance of



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Writ of Certiorari calling for the records in I.D.No.325 of 2006 on the file of the first respondent and to quash the award dated 31.08.2017.

2.The learned counsel appearing for the petitioner submitted that the petitioner is an establishment providing courier services. The second respondent was employed as Office Assistant by the petitioner and since the second respondent was absenting himself from work from 10.04.2003, he was terminated from service on 25.04.2004 after following the principles of natural justice. Challenging the termination order, the second respondent raised industrial dispute in I.D.No.325 of 2006 before the first respondent and the first respondent passed award dated 31.08.2017 directing the petitioner to reinstate the second respondent with continuity of service, backwages and all other attendant benefits. Aggrieved by the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner further submitted that now the petitioner Management is ready to pay a sum of Rs.2 Lakhs as full and final settlement to the second respondent, as the petitioner is not in existence now.



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4.The second respondent workman appeared before this Court today (13.09.2023) and agreed to receive the amount of Rs.2 Lakhs by way of demand draft.

5.In view of the consent view expressed by the learned counsel appearing for the petitioner and the learned counsel appearing for the the second respondent, this Court is inclined to modify the award dated 31.08.2017 in I.D.No.325 of 2006 as follows:

(i)The petitioner Management is directed to pay a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) as full and final settlement to the second respondent by way of demand draft, within a period of four weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

13.09.2023

pri
Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

To

1.The Presiding Officer
II – Additional Labour Court,
Chennai – 600 104.

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M.DHANDAPANI,J.
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