



W.P.No.35163 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.35163 of 2013

S.Srinivasan

... Petitioner

Vs.

1.The Presiding Officer,
III Additional Labour Court,
Chennai

2.The Management of Express Publications (Madurai) Ltd.,
Express Garden(Now At)
Ambattur Industrial Estate,
Chennai 600 058

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records of the first respondent in connection with the award pronounced in ID.No.611 of 2003 dated 22.11.2012 and quash the same and direct the second respondent management to reinstate the petitioner in service with full back wages, continuity of service with all other attendant benefits.

For Petitioner : Mr.R.Rajaram

For Respondents
R1 : Court



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For R2 : Mr.S.Vijayaragavan

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ORDER

This writ petition has been filed to issue Writ of Certiorarified Mandamus calling for the records of the first respondent in connection with the award pronounced in ID.No.611 of 2003 dated 22.11.2012 and to quash the same and to direct the second respondent management to reinstate the petitioner in service with full back wages, continuity of service with all other attendant benefits.

2. It is submitted by the learned counsel appearing on either side that the petitioner and the second respondent have entered into settlement under Section 18(1) of Industrial Disputes Act, 1947 by a memorandum and the terms and conditions of the said memorandum of settlement are as follows:

1) The order of discharge dated 18/02/2003 passed by the Management for not obeying the order of the transfer is fully valid legally and factually and binding on the petitioner.



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2) *The Petitioner further states that he has no claims whatsoever against the management in respect of the action taken whether for the punishment, Transfer or otherwise whether monetarily or otherwise.*

3) *However, the Management in response to the request from the Petitioner has agreed to pay sum of Rs.7,50,000/-(Rupees Seven Lakhs Fifty thousand only) (not as any compensation but in-order to give a quietus to the whole issue.) as ex gratia payment on humanitarian grounds by way of Demand Draft dated 01.09.2023 Bearing No. 187425 drawn on Indian Overseas Bank, Ambattur, in full and final settlement of his rights, entitlement and claims against the management. Further a sum of Rs.80486/-(Rupees Eighty thousand four hundred and eighty six) is paid by Demand Draft dated 01.09.2023 Bearing No. 187426 drawn on Indian Overseas Bank, Ambattur, as full and final settlement of all his entitlement to gratuity, net salary for the period 1/12/1999 to 11/12/1999, cash compensation for unavailed earned leave credit .The Petitioner affirms that there is no other monetary or any other claims whatsoever whether under any labour statutes or otherwise.*



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4) The parties desire that this settlement is final and neither party shall be allowed to resile from it in any manner whatsoever.

5) The parties request this Hon'ble court to take this 18(1) settlement on file of this Hon'ble Court and pass orders disposing of the Writ in terms of the settlement.

3. Recording the above memorandum of settlement, this writ petition stands disposed of. The above memorandum of settlement shall form part and parcel of this order. There shall be no order as to costs.

05.09.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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To

1. The Presiding Officer,
III Additional Labour Court,
Chennai
2. The Management of Express Publications (Madurai) Ltd.,
Express Garden (Now At)
Ambattur Industrial Estate,
Chennai 600 058
3. The Government Advocate,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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