



W.P.No.9993 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

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and

W.M.P.No.12145 of 2020

The Management,
Thiagarajar Mills (P) Ltd.,
(Registered Office),
Kappallur,
Madurai District – 625 008.

... Petitioner

Vs.

N.Kannan

...Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Certiorari calling for the records relating to the impugned order dated 13.03.20 passed by the Hon'ble Labour Court, Coimbatore in C.P.No.05 of 2016 quash the same as illegal.

For Petitioner : Mr.K.V.Shanmuganathan

For Respondent : Mr.L.P.Balajiram

ORDER

This writ petition has been filed seeking for issuance of a writ of certiorari to quash the impugned order dated 13.03.2020 passed by the



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Labour Court, Coimbatore in C.P.No.05 of 2016.

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2. When the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that both the parties entered into a joint memo of compromise dated 25.06.2022 and the same has been produced before this Court to that effect on 19.07.2023. The relevant portion of the joint memo of compromise dated 25.06.2022 is extracted hereunder:

“The respondent employee was employed as Watchman in the petitioner company herein. The respondent employee had filed a claim petition under Section 33 (c) 2 of the Industrial Disputes Act, 1947 claiming a sum of Rs. 2,03,929/- towards the difference in wages on the basis of notification issued by the State Government in G.O (2D) No. 28 dated 19.06.14 under The Minimum Wages Act, 1948 and the same came to be allowed by the Hon'ble Labour Court, Coimbatore by its order dated 13.03.20. Challenging the said impugned award passed by the Hon'ble Labour Court the petitioner had filed the above writ petition and during the pendency of the writ petition both the parties have agreed to settle the matter on the following terms:

1. The Petitioner Management agrees to pay the respondent employee Thiru, N. Kannan a sum of



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Rs.2,20,000/- (Rs. Two lakhs twenty thousand only) as full and final settlement of all his claims whatsoever against the petitioner management and the respondent employee agrees to receive the said amount as full and final settlement of all his claims.

2. As per the interim order dated 03.08.20 passed by this Hon'ble Court in W.M.P. No.12145/2020, a sum of Rs.2,03,929/- has already been deposited by the petitioner management as fixed deposit in the name of Presiding Officer, Labour Court, Combatore at State Bank of India, Race Course Road Branch, Combatore in Account No. 39574906932. Both the parties agree to pray before this Hon'ble Court to pass an order permitting the respondent employee to withdraw the said deposited amount of Rs.2,03,929/- with accrued interest from the Labour Court in terms of clause No. 1 above.

3. The balance principal amount of Rs. 16,071/ (Rs. Sixteen thousand seventy one only) will be paid by the petitioner management directly to the respondent employee.

4. It is specifically agreed between the parties that this payment is in full and final settlement of all the claims whatsoever of the employee and neither of the parties will have any claim or disputes against each other.



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5. It is agreed that the employee, Thiru. N. Kannan shall give individual receipts to the Management for the payments received by him full and final settlement of all his claims against the management and in terms of this compromise.

6. Both parties agree to file this Joint Memo of Compromise before this Hon'ble Court in W.P. No. 9993 of 2020 and pray this Hon'ble Court to pass an order recording this compromise and dispose of the pending writ petition."

3. In view of the aforesaid memo, the impugned order passed by the Labour Court, Coimbatore in C.P.No.05 of 2016 dated 13.03.2020 is set aside and the writ petition stands closed. The joint memo of compromise dated 25.06.2022 shall form part and parcel of this order. No costs. Consequently, connected miscellaneous petition is closed.

19.07.2023

Index :Yes/No
Internet:Yes/No
NCC : Yes/No
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M.DHANDAPANI, J.

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