



W.P.No.14431 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.14431 of 2018

and

W.M.P.No.17046 of 2018

The Management,
E.I.H. Associated managements Limited,
(Unit : The Trident – Hotel),
Rep. by its Financial Controller – J.Suresh,
1/24, G.S.T. Road,
Chennai – 600 027.

... Petitioner

Vs

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

2.S.Selvaraj

3.M/s.Viva Services,
Rep. by its Proprietor,
Mr.Peter Richard Yu,
No.423, (Old No.293/2),
Anna Salai, Teynampet,
Chennai – 600 018.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records of the first respondent in I.D.No.28 of 2008 and quash its award dated 23.03.2018.

For Petitioner : Mr.S.Ravindran, SC
for M/s.S.Bazeer Ahamed
For Respondents : Labour Court [R1]
Mr.Balan Haridas [R2]
Not Ready in Notice [R3]

ORDER

This Writ Petition has been filed by the petitioner seeking to quash the order dated 23.03.2018 made in I.D.No.28 of 2008 on the file of the Presiding Officer, III Additional Labour Court, Chennai.

2. The case of the petitioner is that, the petitioner hotel is registered under principal employer under the provisions of Contract Labour (Regulation and Abolition) Act, 1970 from the year 1999 and the third respondent is a licenced contractor for providing man power services to the petitioner management from June 2002. The second respondent was one of the contract workmen provided by the third respondent to work in the

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premises of the petitioner. The third respondent paid salary to the second respondent and made contributions and terms of the provisions of EPF & MP Act and ESI Act in respect of its workmen including the second respondent. During the month of May, 2005, the petitioner terminated the agreement with the third respondent. Thereafter, after a lapse of about two years, the second respondent raised an industrial dispute against the petitioner management alleging that the petitioner orally terminated his services from 18.04.2005, before the first respondent/Labour Court in I.D.No.28 of 2008. The Labour Court passed an award for reinstatement with 50% backwages, continuity of service and all other attendant benefits in favour of the second respondent. Challenging the same, the above writ petition is filed before this Court.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner management submitted that, during the pendency of similar type of cases, the petitioner management paid the compensation of Rs.4 lakhs without any interest. However, in the present



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case, the petitioner management is ready to pay a sum of Rs.4 lakhs as compensation in full quit to the second respondent with 6% interest from the date of award till the date of payment.

4. The learned counsel appearing for the second respondent, on instructions, submitted that the second respondent/workman has agreed to receive the compensation as offered by the petitioner management.

5. In view of the above settlement arrived between the parties, this Court modifies the impugned award passed by the Labour Court as follows:-

(i) the petitioner management is directed to pay the compensation of Rs.4,00,000/- with 6% interest per annum from the date of award till the date of payment in full quit to the second respondent/workman by way of Demand Draft, within a period of four (4) weeks from the date of receipt of a copy of this order.



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6. With the above modification, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes (or) No

Neutral Citation Case : Yes (or) No

Speaking Order : Yes (or) No

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To

The Presiding Officer,
III Additional Labour Court,
Chennai.



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M.DHANDAPANI,J.,

sp

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