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W.A. No.1797 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2023

CORAM:

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

and

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.A. No.1797 of 2023

C. Govindaraj

Appellant

v

1 The Presiding Officer
Labour Court, Coimbatore

2 The Management
Narasimha Mills (P) Ltd.
(a unit of Thiruvalluvar Textiles (P) Ltd.)
N.S.N. Palayam
Coimbatore 641 031

Respondents

Writ Appeal filed under Clause 15 of the Letters Patent challenging the order dated 25.01.2019 passed in W.P. No.4201 of 2013.

For appellant	Mr. S. Saravanan
R1	Court
For R2	Mr. M.R. Thangavel

JUDGMENT

(made by S. VAIDYANATHAN, J.)

Mr. M.R. Thangavel, accepts notice for the second respondent.

2 This writ appeal has been preferred challenging the order dated 25.01.2019 passed by a Single Bench of this Court in W.P.No.4201 of 2013.



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3 For the sake of clarity, the appellant, the first respondent and second respondent will be adverted to as the workman, the Labour Court and the Management, respectively.

4 The appellant joined the services of the Management in the Power House Department as a Switch Operator on 18.01.1970 and his services were confirmed on 01.02.1972. He moved the Labour Court by filing a computation petition in C.P. No.532 of 2006 claiming that he was not paid a sum of Rs.76,631/- by the earlier Management.

5 The Labour Court, *vide* order dated 21.06.2012, noting that the workman had received some amount towards full and final settlement, besides giving an undertaking that he will not file any case against the Management, dismissed the computation petition.

6 Aggrieved, the workman filed a writ petition being W.P. No.4201 of 2013, which came to be dismissed by a Single Bench *vide* order dated 25.01.2019, upholding the order dated 21.06.2012 passed by the Labour Court, as against which, this writ appeal has been filed by the workman.



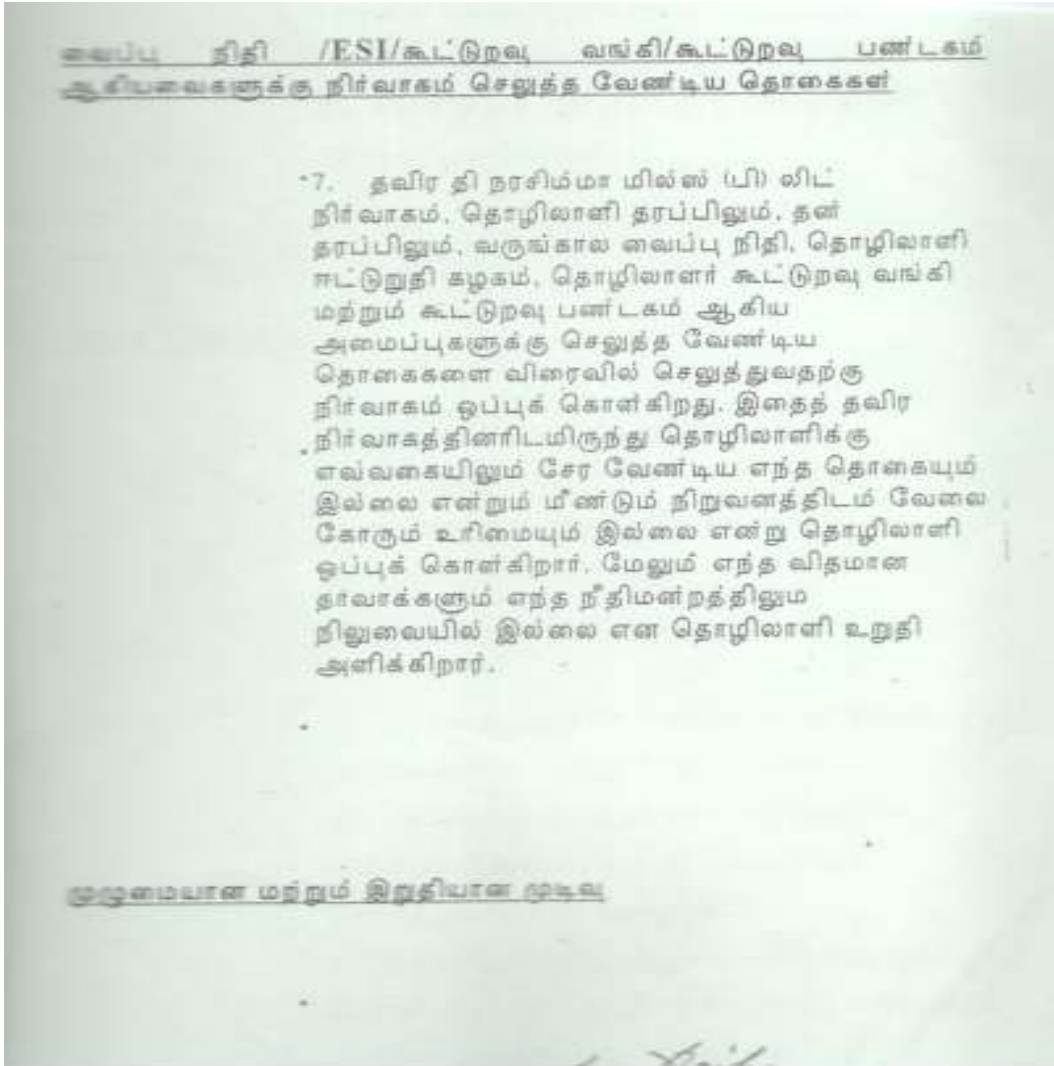
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7

Heard both sides and perused the materials placed on record.

8

As rightly observed by the Labour Court and the Single Bench, the Management and the workman had entered into a settlement dated 30.03.2006, as per which, the workman had agreed to give up all the monetary benefits due to him. The relevant clauses of the said settlement, viz., clauses 7 to 9, are scanned below for ease of reference.





8. தன்னுடைய பிரச்சினைகள் சம்பந்தமாக இந்த ஒப்பந்தத்தின் வாயிலாக அனைத்து விஷயங்களையும், இறுதியாகவும், முழுமையாகவும், திருப்திகரமாக தீர்க்கப்பட்டு விட்டதால் திரு

GOVINDARAJ. C இது சம்பந்தமாக வருங்காலத்தில் தனியாகவோ, அல்லது கூட்டாகவோ, அல்லது வேறு இயக்கம் மூலமாகவோ எந்த சந்தர்ப்பத்திலும், எந்த மட்டத்திலும், தாவா எழுப்ப மாட்டார் என்றும் தி நரசிம்மா மில்ஸ் நிர்வாகத்திற்கும், தனக்கும், பொருளாதார ரீதியாகவோ, பணி ரீதியாகவோ, பிரச்சினை ஏதும் இல்லை என்றும் இனிமேல் கொண்டு தொழிலாளிக்கும் நிர்வாகத்திற்கும் எவ்வித சம்பந்தமோ, பின்தொடர்ச்சியோ இல்லை என்றும் தொழிலாளி உறுதிபடத் தெரிவித்துக் கொள்கிறார்.

அமல் படுத்துதல்

9. இரு சாராரும் இந்த ஒப்பந்தத்தில் கூறப்பட்டுள்ள சங்கதிகளை மனப்பூர்வமாக ஏற்று நன்கு உணர்ந்து அமல்படுத்ததுவார்கள் என ஒப்புக் கொள்ளப்படுகிறது.



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9 The Single Bench, in the order impugned, has extracted Section 18 of the Industrial Disputes Act, 1947, and held that the aforesaid settlement is binding between the parties and the workman, having given up all the benefits, is not entitled to any relief.

10 Superadded, at this juncture, apropos it is to point out that a Coordinate Bench of this Court, in which, one of us (SVNJ) was a member, while dealing with W.A.No.105 of 2023 filed by a similarly placed workman of the very same mill, *vide* judgment dated 09.01.2023, confirmed the order passed by the Single Bench as well the Labour Court.

11 For the reasons aforesaid, we find no ground to interfere with the order passed by the Single Bench confirming the order passed by the Labour Court.

Ex consequenti, this writ appeal fails and is accordingly dismissed. No costs.

(S.V.N., J.) (K.R.S., J.)
03.08.2023

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and

K. RAJASEKAR, J.

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To

The Presiding Officer
Labour Court
Coimbatore

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