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W.P.Nos.16399 to 16402 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.16399 to 16402 of 2018

J.Wilson	... Petitioner in W.P.16399/2018
S.Gopalan	... Petitioner in W.P.16400/2018
K.Rangarajan	... Petitioner in W.P.16401/2018
C.Swaminathan	... Petitioner in W.P.16402/2018

Vs.

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

2.The Management
Elforge Limited
W.Ps.

... Respondents in all the

Prayer in W.P.No.16399 of 2018:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records from the first respondent in C.P.No.28 of 2013 dated 06.04.2017, quash the same and consequently enhance the amount from Rs.66,707/- to the tune of Rs.2,26,672/- as admitted by the second respondent as per whose full and final settlement letter dated 31.05.2008 with 24% interest per annum.



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Prayer in W.P.No.16400 of 2018:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records from the first respondent in C.P.No.27 of 2013 dated 06.04.2017, quash the same and consequently enhance the amount from Rs.10,083/- to the tune of Rs.1,54,338/- as admitted by the second respondent as per whose full and final settlement letter dated 17.08.2008 with 24% interest per annum.

Prayer in W.P.No.16401 of 2018:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records from the first respondent in C.P.No.31 of 2013 dated 06.04.2017, quash the same and consequently enhance the amount from Rs.69,474/- to the tune of Rs.2,08,236/- as admitted by the second respondent as per whose full and final settlement letter dated 30.06.2008 with 24% interest per annum.

Prayer in W.P.No.16402 of 2018:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records from the first respondent in C.P.No.29 of 2013 dated 06.04.2017, quash



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the same and consequently enhance the amount from Rs.39,068/- to the tune of Rs.1,32,603/- as admitted by the second respondent as per whose full and final settlement letter dated 31.05.2008 with 24% interest per annum.

For Petitioners : Mr.T.S.N.Prabhakaran

For Respondents : R1 – Labour Court
Mrs.Vedha for R2
for M/s.R.Meenakshisundaram

COMMON ORDER

The petitioners have filed these writ petitions seeking issuance of Writ of Certiorarified Mandamus to call for the records from the first respondent in C.P.Nos.28, 27, 31 and 29 of 2013 respectively dated 06.04.2017, quash the same and consequently enhance the amount to the tune as admitted by the second respondent as per full and final settlement letters dated 31.05.2008, 17.08.2008, 30.06.2008 and 31.05.2008 respectively, with 24% interest per annum.

2.Since the issue involved in these writ petitions are one and the same, they are heard together and disposed of by way of a common order.



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3.The case of the petitioners is that the petitioners are the employees of the second respondent and they were transferred from Thoraipakkam Unit to Gummidipoondi which is far away from Thoraipakkam and when they expressed their practical difficulty, the second respondent forced them to give resignation letter. Thereafter, vide settlement letters dated 31.05.2008, 17.08.2008, 30.06.2008 and 31.05.2008 respectively, the second respondent agreed to pay a sum of Rs.2,26,672/-, Rs.1,54,338/-, Rs.2,08,236/- and Rs.1,32,603/- respectively, as full and final settlement to the petitioners and since the said amount was not paid, the petitioners filed C.P.Nos.28, 27, 31 and 29 of 2013 respectively before the first respondent and the first respondent vide order dated 06.04.2017, directed the second respondent to pay only a meagre amount to the petitioners. Challenging the same, the petitioners have filed these writ petitions.

4.The learned counsel appearing for the petitioners submitted that inorder to establish the genuineness of the settlement letters, the petitioners workmen examined one Mr.K.V.Ramachandran, one of the Authorized Signatory of the second respondent Management as P.W.2., however, the first respondent passed the impugned orders.



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Hence, the impugned orders passed by the first respondent is perverse.

5.The learned counsel appearing for the second respondent submitted that the petitioners resigned their job and received some amount, however, some amount had to be paid and the said amount was agreed to be paid by the second respondent before the first respondent and the first respondent passed the impugned orders. The learned counsel further submitted that the petitioners claim was based on the settlement letters, however, they did not produce the original document and they only produced the xerox copies. Further the petitioners claim that three signatures are found in the document, however, the petitioners did not summon any of the signatories to speak about the contents of the documents.

6.The learned counsel appearing for the second respondent further submitted that the petitioners workmen examined one Mr.K.V.Ramachandran, one of the Authorized Signatory of the second respondent Management as P.W.2 and he deposed that the settlement letter is not genuine one. When such being the position, it



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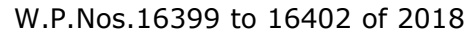
is the duty

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cast upon the petitioners to summon and examine all the three signatories, however, they have not done so. Hence, the impugned orders warrants no interference.

7.Heard the arguments advanced on either side and perused the materials available on record.

8.Admittedly, the petitioners were working under the second respondent and they were transferred from Thoraipakkam Unit to Gummidipoondi which is far away from Thoraipakkam and thereafter they resigned their job. The petitioners claim that vide settlement letters dated 31.05.2008, 17.08.2008, 30.06.2008 and 31.05.2008 respectively, the second respondent agreed to pay a sum of Rs.2,26,672/-, Rs.1,54,338/-, Rs.2,08,236/- and Rs.1,32,603/- respectively, as full and final settlement to the petitioners, however, the second respondent deny the same. If it is so, it is the duty cast upon the petitioners to examine all the signatories, however, the petitioners have not examined all the signatories. Therefore, the impugned orders warrants no interference.



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1.The Presiding Officer,
I Additional Labour Court,
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M.DHANDAPANI,J.
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