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W.A.No.2245 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.A.No.2245 of 2021
and
C.M.P.No.14235 of 2021

The Superintending Engineer,
Vellore Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Gandhi Road, Vellore-632006.

.. Appellant

-VS-

P.Kala

.. Respondent

Writ Appeal filed under Clause 15 of the Letters Patent Act, to allow the Writ Appeal, set aside the order dated 02.03.2021 in W.P.No.31844 of 2019.

For Appellant : Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co

For Respondent : Mr.J.Saravanel



W.A.No.2119 of 2021

JUDGMENT

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This Writ Appeal has been preferred by the Appellant challenging the order dated 02.03.2021 made in W.P.No.31844 of 2019, in dismissing the Writ Petition filed by the Appellant herein.

2. Today, when the matter was taken up for hearing, the learned counsel appearing for the Appellant produced a Demand Draft bearing No.843729 dated 06.04.2023 for a sum of Rs.33,00,000/- (Rupees Thirty Three Lakhs only), towards full and final settlement in respect of all the claims of the Respondent herein in I.D.No.82/1999, including the claim for employment and other statutory benefits and the said D.D. has been received by the respondent herein without any protest. A Memorandum of Settlement dated 10.04.2023 filed under Section 18 (1) of the Industrial Disputes Act, 1947, signed by both the parties, along with a receipt for payment of a sum of Rs.33,00,000/- (Rupees Thirty Three Lakhs), has also been produced before this Court, the scanned copy of which is annexed hereunder:



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**MEMORANDUM OF SETTLEMENT DATED 10.04.2023 UNDER
SECTION 18(1) OF THE INDUSTRIAL DISPUTES ACT 1947**

1. Parties to the settlement:

Management of The Superintending Engineer,
Vellore Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Gandhi Road, Vellore – 632006.

and

Workman P. Kala,
W/o. Late. Prakasam,
No. 99/57, Kulakarai Street,
Tharapadavedu,
Katpadi, Vellore.

2. Representing Management : *R. Deivanayagi*
3. Representing workman : P Kala
4. Total number of workmen : 1 (One) workman only.
5. Short recital of the case :

Mrs. P. Kala was given an appointment in the year 1996 on compassionate grounds, consequent to the demise of her husband while in service in your organization. Soon thereafter within a one year, she was dismissed from service after a domestic enquiry as the educational certificate produced by her was not genuine.

Challenging the same, Mrs. P. Kala raised a dispute before the Labour Court, Vellore in I.D. No. 82/1998 and by order dated 18.12.2001 the Labour Court, Vellore set aside the dismissal order and directed her reinstatement as early as 2001. The award was challenged in Writ Petition No. 12165 of 2003 and was dismissed on 11.12.2015. Though a Writ

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Appeal was filed it was delayed and it was dismissed on the grounds of delay. A Review Petition No. 224 of 2018 filed by TANGEDCO against the order was also dismissed. In such circumstances, as the award of the Labour Court directing reinstatement has attained finality.

The employee based on this filed a computation petition before the Labour Court, Vellore seeking wages to the extent of Rs. 42,46,089/- for the period 1997 to 2016. The Labour court, Vellore by order dated 30.07.2018 allowed the computation petition to the extent of Rs. 31,27,162/-. This order was challenged, by way of Writ Petition in W.P. 31844 of 2019 and the same has been dismissed. Challenging which Writ Appeal 2245 of 2021 has been filed and stay has been granted. Both parties had discussions and it was agreed that a sum of Rs. 33 lakhs would be paid as Full and Final settlement. Based on consensus the parties have arrived at a settlement in the following lines.

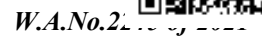
Terms of settlement

- a) Mrs. P. Kala hereby agrees and accepts her cessation of employment with effect from 11.12.2015
- b) Mrs. P. Kala further agrees and states that she shall not press the industrial dispute raised by her, or the consequent awards or orders passed by the Labour Court and the High Court.
- c) The Management hereby pays a sum of Rs. 33,00,000/- (Rupees Thirty-three lakhs only) to the Mrs. P. Kala in settlement of all her statutory and contractual monetary claims including gratuity, earn leave and other benefits applicable to her payable by the Management and her right to seek employment.
- d) Mrs. P. Kala hereby confirms receipt of the sum of Rs. Rs. 33,00,000/- (Rupees Thirty-three lakhs only) by way of demand draft bearing No.

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R. Deivanayagi



928437299 dated 06.04.2023 drawn on Indian Overseas Bank, Vellore as Full and Final settlement of all her claim against the management including claim for employment or any other monetary payment.

e) Both parties agree to file this settlement before the High Court in the pending writ appeal, shall pray that this settlement may be taken on record and this settlement shall replace the award of the labour court and all consequent orders.

f) With this settlement neither party shall have no claim whatsoever against the other in future.

Dated at Chennai on this the 10th day of April 2023.

R. Deivanayagi
Representing Management of
R. Deivanayagi
Administrative Assistant
Vellore Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Gandhi Road, Vellore - 632006

Witnesses:-

1.

2.



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RECEIPT

Received a sum of Rs.33,00,000/- (Rupees Thirty-three lakhs only) from the Management of The Superintending Engineer, Vellore Electricity Distribution Circle, Tamil Nadu Electricity Board, Gandhi Road, Vellore - 632006, as full and final settlement of all my claims including claim for employment and other statutory benefits except family pension payable to my late husband. With this settlement, I confirm I have no other further dues pending from the Management.

P. Kala
Name: P. Kala,
Address: No. 99/57, Kulakarai Street,
Tharapadavedu, Katpadi, Vellore.

Signature in Revenue stamp

Date: 10.04.2023

Place: Chennai





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3. The aforesaid Settlement is recorded. Though there is no clause in the Settlement Deed with regard to extending family pension payable to the Respondent herein on account of the demise of her husband late Prakasam, we make it clear that the Settlement entered into cannot forbear the Respondent herein from claiming family pension of her husband, which she is lawfully entitled to.

This Writ Appeal is disposed of in terms of the aforesaid Memorandum of Settlement. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.V.N., J.] [R.K.M., J]
10.04.2023

Index: Yes / No
Internet: Yes / No
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S. VAIDYANATHAN,J.,
and
R.KALAIMATHI.,J

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10.04.2023