



W.P.No.11882 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11882 of 2017

M.Sivakumar

.. Petitioner

Vs.

1.M/s.Clariant Chemicals (India) Ltd,
Rep by its Vice Chairman & Managing Director,
Corporate Office:- Sandoz Baug,
Klshet Road, Thane-400 607.

2.M/s.Clariant Chemicals (India) Ltd
Kudikadu, SIPCOT Post,
Cuddalore-607005.

3.The Presiding Officer,
Labour Court,
Cuddalore.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent Labour Court Award in I.D.No.1 of 2014 dated 08.03.2016 and quash the same consequently directing the 1st and 2nd respondents to reinstate the petitioner in service with continuity of service, backwages and all other attendant benefits.



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For petitioner : M/s.J.Saravanel
For Respondents : Mr.D.Abdullah,
for R1 & R2.

ORDER

Aggrieved by the order passed by the 3rd respondent/Labour Court in I.D.No.1 of 2014, the petitioner is before this Court.

2. The petitioner was appointed as Mazdoor in the Respondent Company vide order dated 14.03.2011 for a period of 18 months from 01.02.2011 till 31.07.2012. Thereafter, the probation period was extended for 3 months upon satisfactory performance of the petitioner. It is the case of the petitioner that he was forced by the petitioner Company to submit his resignation letter, pursuant to which, he was relieved from services on the date of submission of his resignation letter. Aggrieved by the same, the petitioner raised an industrial dispute before the Labour Court/3rd Respondent in I.D.No.1 of 2014 claiming reinstatement with continuity of service, back wages and all other attendant benefits, which was dismissed. Challenging the same, the petitioner is before this Court.



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3. Learned counsel for the petitioner submitted that during the pendency of this Writ Petition, matter was settled amicably between the petitioner and the 1st and 2nd respondents and they agreed to appoint the petitioner as a fresh appointee in their Company. On instructions, learned counsel for the petitioner further submitted that there shall not be any victimization as against the petitioner on caste basis during the course of his employment.

4. Learned counsel appearing for the 2nd respondent submitted that there will not be any victimization as against the petitioner on caste basis during his employment.

5. In view of the settlement arrived between the parties, the award passed by the Labour Court in I.D.No.1 of 2014 is set aside and this Writ Petition is allowed. The petitioner is directed to file appropriate application within a period of one week from the date of receipt of a copy of this order. Upon receipt of said application, the 1st and 2nd respondents are directed to appoint the petitioner as a fresh appointee, within a period of two weeks



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from the date of submission of the application. The past services of the petitioner would not stand attracted for any purposes. There shall be no order as to costs.

16.08.2023

NHS

Index : Yes / No

Internet : Yes / No

Speaking Order/Non-Speaking Order

Note to Office:

Issue order copy on 17.08.2023

To

The Presiding Officer,
Labour Court,
Cuddalore.



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M.DHANDAPANI, J.

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