



W.A.No.3787 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2023

CORAM:

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

Writ Appeal No.3787 of 2019
and CMP.No.23929 of 2019

The Management of India Pistons Ltd.,
Huzur Gardens,
Sembiam,
Chennai 600 011.

.. Appellant

Vs.

I. Inbakumar

.. Respondent

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 30.08.2019 in WP.No.19736 of 2018 passed by the Single Judge of this Court.

For appellant : Mr.C.Mohan
for M/s.King and Partridge

For respondent : Mr.V.Prakash, Senior Counsel
for Mr.K.Sudalaikannu

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JUDGMENT

(The Judgment of the Court was delivered by S.VAIDYANATHAN, J)

The learned counsel for the appellant and the learned counsel for the respondent would state that the dispute between the parties has been amicably settled and a Memo dated 08.02.2023 has been filed by the appellant. The said memo is recorded. The respondent/workman is present before this Court. The terms of the Memo reads as follows:

"MEMO FILED ON BEHALF OF THE APPELLANT

The above named Appellant most respectfully submits as follows:

1. This Appeal has been filed challenging the order of the III Additional Labour Court, Chennai dated 15.05.2018 in I.D.No.772 of 2009 by and which the preliminary issue of enquiry was held not to be fair and proper. While this Appeal was pending, the parties herein namely the Appellant and Respondent have decided to resolve the matter through an amicable settlement. It is also relevant to point out that the Respondent had reached the age of superannuation on 09.06.2016.

2. As agreed between the parties, the total settlement payable



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by the Appellant to the employee is Rs.14,00,000/- without deduction of TDS.

3. As a condition for payment of the above settlement amount, the said settlement amount shall include all payments due and payable to the Respondent herein including gratuity for the entire period of service of the Respondent. The entire gratuity has been calculated which is part of the settlement amount. The Respondent acknowledges and accepts that he is entitled to full and final settlement of the said amount of Rs.14,00,000/- and nothing further.

4. The settlement amount shall include all dues such as leave encashment, bonus and by which the Respondent shall not be entitled to any other payment or claim from the Appellant Company directly or indirectly.

5. The order of the Labour Court dated 15.05.2018 in I.D.No.772 of 2009 shall be set aside and shall not be treated as a precedent in any manner whatsoever.

6. With regard to the Provident Fund dues, the Respondent may claim the same through the existing online method and the Appellant Company shall extend necessary assistance by endorsing the application of the Appellant in this regard.

7. As per the order of this Hon'ble Court dated 06.02.2022, the settlement amount of Rs.14,00,000/- (Fourteen Lakhs only) vide cheque No.042388 dated 07.02.2023 drawn on Central Bank of India, Corporate Finance, Chennai Branch is enclosed



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along with this memo.

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8. Upon closure of this Writ Appeal, the proceedings before the III Additional Labour Court in I.D.No.772 of 2009 shall be taken up and closed."

2. In view of the settlement between the parties, today a cheque, dated 07.02.2023 is handed over by the Management to the respondent/workman. Thus, a full and final settlement including gratuity is settled by the appellant/Management.

3. In view of the above, the award of the Labour Court is set aside and the order of the Labour Court shall not be treated as precedent. Accordingly, this Writ Appeal stands closed in terms of the said Memo. No costs. Consequently, connected miscellaneous petition is closed.

(S.V.N.J.) (R.K.M.J.)
08.02.2023

Speaking Order: Yes / No

Note: Issue order copy on 20.02.2023

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