



W.A.No.72 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2023

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.A.No.72 of 2023

V.Santhi

... Appellant / 1st Respondent

-VS-

1. The Presiding Officer,
III Additional Labour Court,
Chennai.

... 1st Respondent in W.P.18875/2011
/ 2nd Respondent

2. The Management
M/s.M.V.Hospital for Diabetes (P) Ltd.,
Rep. by its Director Mrs.Meena Vijay,
No.4, West Mada Church Street,
Royapuram, Chennai-600 013.

... 2nd Respondent / Petitioner

Prayer: Writ appeal is filed under Clause 15 of the Letter Patent praying to set aside the order passed by the Hon'ble Single Judge of this Court in W.P.No.18875 of 2011 dated 19.09.2019.

For Appellant : Mr.U.Nirupen Chakravathy



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For R2

: Mr.C.Mohan

For M/s.King & Patridge

J U D G M E N T

This Writ Appeal has been filed, challenging the order of the learned Single Judge dated 19.09.2019 made in W.P.No.18875 of 2011, in and by which, learned Single Judge, while partly allowing the Writ Petition, directed reinstatement of the Writ Petitioner without backwages, but with continuity of service. Aggrieved by the same, the Writ Petitioner, who is the Appellant herein has filed this Writ Appeal.

2. When the matter is taken up for hearing, it is represented by the learned counsel for R2 that there was a settlement arrived at between the parties with regard to I.D.No.736 of 2009. The employee / Appellant herein, who is present today before this Court, has also filed a memo, the scanned copy of which is attached hereunder:



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IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

W.A. No. 72 of 2022

திருமதி. வி.சாந்தி
க/பெ. வீராகவன்
எண்.96, 2வது கெரு,
பீச் சாலை,
புது வண்ணாரப்பேட்டை,
சென்னை - 600 081.

... மேல்முறையிட்டாளர்

-எதிர்-

1. தனலகை தாங்கும் அலுவலர்,
3வது கட்டுதல் தொழிலாளர் நீதிமன்றம்,
சென்னை.

2. நிர்வாகம்,
எம்.வி.ஆன்வீட்டல் பார் பாய்மென்ட்ஸ் (பி) லிமிடெட்,
எண்.4, மேற்கு மாதா கோயில் கெரு,
இராயபுரம்,
சென்னை - 600 013.

... எதர்மனுதாரர்

மேல்முறையிட்டாளர் சார்பில் சமர்ப்பிக்கப்படும் குறிப்பு

மேல்முறையிட்டாளர் திருமதி. வி.சாந்தி, க/பெ. வீராகவன் பணித்து
சமர்ப்பிப்பது என்னவென்றால்,

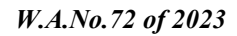
2ம் எதர்மனுதாரர் இந்த வழக்கில் எனக்கு 50% பின் சம்பளம் மற்றும்
இதர சலுகைகள் மற்றும் நஷ்டசுடு ஆகியவை சேர்ந்து ரூ.2,00,000/-
தருவதாக ஒப்புக் கொண்டு இன்று காசோலையாக எனக்கு அளித்துள்ளார்.
அந்த காசோலையை நான் பெற்று கொண்டு இந்த வழக்கை முடித்து கொள்ள
சம்மதிக்கிறேன்.

பிப்ரவரி மாதம் 6ம் தேதி 2023, சென்னை

COUNSEL FOR APPELLANT
(U. NISHUPEN CHAKRAVARTY)

திருமதி. வி.சாந்தி
(மேல்முறையிட்டாளர்)

3. Learned counsel for the 2nd Respondent has produced a copy of the memo filed on the side of the 2nd Respondent, stating that the total amount in respect of full and final settlement, including gratuity for the entire period of service of the Appellant comes to Rs.2,00,000/-, which the Appellant has agreed to receive and the Demand Draft bearing No.204291 dated 24.01.2023 for Rs.2,00,000/- has been handed to the Appellant herein. He has also stated that necessary form duly signed-in by the Management has



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5. The order of the III-Additional Labour Court dated 28.02.2011 in I.D.No.736 of 2009 shall be set aside and shall not be treated as a precedent in any manner whatsoever.

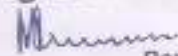
6. With regard to the Provident Fund dues, the Appellant may apply and obtain the amounts that are lying to her credit for her period of actual employment and contribution. The necessary form for PF withdrawal, which requires the employer endorsement has been printed, the 2nd Respondent employer has endorsed the application and the same is enclosed along with this memo.

7. Accordingly, the full and final settlement of Rs.2,00,000/- is enclosed herewith which is a demand draft drawn on Axis Bank Limited, George Town, Chennai Branch in DD-Serial No.204291.

For the reasons stated herein, it is most respectfully prayed that this Hon'ble Court may be pleased to record this memo as part and parcel of the order and close W.A.No.72 of 2023 and thus render justice.

Dated at Chennai on this 6th day of February 2023

For King & Partridge


Partner.

COUNSEL FOR THE 2ND RESPONDENT

4. In view of the above submissions of the parties and recording the settlement, this Writ Appeal is closed. The Appellant shall fill up the form and present it before EPF Authorities by activating the account. The concerned EPF Authorities, upon receipt of the Form and on a request made by the Appellant herein, are directed to settle the dues in accordance with



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S.VAIDYANATHAN, J.

and

J.SATHYA NARAYANA PRASAD,J.

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law as expeditiously as possible, but not later than four weeks from the date

of receipt of the form. No costs.

(S.V.N.,J.) (J.S.N.P.,J.)

06.02.2023

Speaking order/Non-speaking order

Index: Yes/No

Internet: Yes/No

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Note: Issue order copy on 22.02.2023

To:

The Presiding Officer,
III Additional Labour Court,
Chennai.

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