



W.A. No. 3406 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM

THE HON'BLE MR.JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MR.JUSTICE K. RAJASEKAR

W.A. No. 3406 of 2023

E. Arun

..Appellant

Vs.

1. The Presiding Officer,
Labour Court, Pondicherry.

2. The Managing Director,
M/s. Abirami Soap Works
R.S. No. 93/1A, 1 B2,
Sembialpalayam Village,
Konkadu Post, Puducherry.

..Respondents

Prayer: Writ Appeal as against the order dated 20.07.2023 passed in

W.P. No. 36669 of 2016.

For Petitioner :: Mr.Balan Haridas

For Respondents :: R1 Court

Mr.John Zacharia for R2



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J U D G M E N T

(Delivered by S. Vaidyanathan,J.)

The writ appeal has been preferred challenging the order dated 20.07.2023 passed in W.P. No. 36669 of 2016.

2. The appellant/workman, who was dismissed from service by the 2nd respondent Management by order dated 22.10.2012, after a full-fledged enquiry into the charges levelled against him, raised an industrial dispute in I.D.(L) No. 15 of 2014 before the Labour Court, Pondicherry and the same was dismissed by award dated 31.03.2016. Challenging the said award, the workman filed W.P. No. 36669 of 2016 and by order dated 20.07.2023, the learned Single Judge modified the punishment of dismissal from service and in lieu thereof, ordered that a lumpsum compensation of Rs.3 lakhs be paid by the Management to the workman. Not satisfied with the same, the present intra court appeal has been preferred by the workman.

3. When the matter is taken up for hearing, a memo dated 14.12.2023 signed by the respective parties and countersigned by the respective counsel has been produced before this Court. In terms of the memo, the employer has agreed to pay a sum of Rs.5,00,000/- (Rupees Five



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Lakhs only) in full and final settlement of all the claims of the appellant/workman including Gratuity, Provident Fund, etc. The relevant portion of the memo is extracted hereunder:

“.....However, both parties desired for an amicable out of court settlement and hence the 1st respondent in this Writ Appeal shall pay an amount of Rs.5,00,000/- (Rupees Five Lakhs only) to the Appellant, in full and final settlement of all dues to him, such any salary if any, salary in lieu of notice period if any, salary for leave with wages balance at credit, if any, gratuity, bonus, special payment in lieu of bonus, exgratia and all other payment, if any, payable to him, which the Appellant acknowledges, the receipt of the said amount vide Cheque No.013080 dated 12.12.2023 drawn on

S. VAIDYANATHAN,J.

AND

K. RAJASEKAR,J.

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HDFC Bank, Pondicherry Branch, and declares that he has no further claims for any other dues monetary or otherwise from the Company on the receipt of the said amount and that he has no right to claim any other relief from the Company including re-employment for himself or claiming through him, with the Company.”

4. In view of the memo dated 14.12.2023 evidencing complete settlement of all the claims of the appellant/workman, the writ appeal stands disposed of in terms of the said memo. No costs.



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

19.12.2023

nv

To

The Managing Director,
M/s. Abirami Soap Works
R.S. No. 93/1A, 1 B2,
Sembialpalayam Village,
Konkadu Post, Puducherry.

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