



WEB COPY



W.P.No.16195 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.16195 of 2008
and M.P.No.1 of 2008

DBS Bank India Limited,
Rep. by its Senior Vice President - HR,
Registered Office, at Express Towers,
18th Floor, Nariman Point,
Mumbai - 400 021,
Maharashtra State, India .. Petitioner

(Petitioner cause title amended vide order, dated
25.01.2023 made in W.M.P.No.1806 of 2023 in
W.P.No.16195 of 2008)

Versus

1. The Deputy Commissioner of Labour,
(Appellate Authority under the Tamil
Nadu Shops & Establishments Act, 1947),
Salem.
2. D.Murugesan (deceased)
3. M.Kumararaja
4. M.Latha
5. M.Geetha
6. M.Kavitha
7. M.Balavaithilingam .. Respondents

RR-3 to 7 are substituted as LR's of deceased R2 -
Murugesan, as per order, dated 23.08.2018 in



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M.P.No.1 of 2011 in W.P.No.16195 of 2008

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Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari calling for the records of the 1st respondent in TNSE Appeal No.1/2006 and quash its order, dated 31.03.2008.

For Petitioner : Mr.N.Mohan Nivas

For Respondents : Mr.K.Surenderan,
Additional Government Pleader,
for R1

: R2 - Died

: Mr.V.Govarthanan, for RR-3 to 7

ORDER

When the matter is taken up for hearing, a joint memo, signed by both the sides learned Counsel, is filed, in which, it is submitted that it is agreed that the petitioner management shall pay the respondents a sum of Rs.3,50,000/- towards gratuity, without interest and accumulated Provident Fund, with interest.

2. It is also agreed by the respondents that they will not have any other claim against the management except for the above amount. The legal heirs of the workman also agreed for the condition that the appeal in TNSE



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Appeal No.1 of 2006, filed under Section 41 of the Tamil Nadu Shops and Establishments Act, 1947, against the order, dated 31.03.2008, itself shall be treated as withdrawn.

3. Even though the memo is filed by both the sides learned Counsel, it is submitted that only after agreement by the parties, the joint memo is filed.

4. In view thereof, this Writ Petition is disposed of by recording the joint memo and with a condition that the sum of gratuity and the other amount shall be paid within a period of two months from the date of receipt of a web copy of this order. It is made clear that the parties agreed for payment of gratuity, without interest and the accumulated Provident Fund, with interest. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

09.12.2024

Neutral Citation : no
grs

To

The Deputy Commissioner of Labour,
(Appellate Authority under the Tamil



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Nadu Shops & Establishments Act, 1947),
Salem.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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