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Writ Petition No.22690 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.22690 of 2012
and M.P.No.1 of 2012

D.Ramesh

...Petitioner

Vs.

1.The Presiding Officer
Principal Labour Court
Vellore.

2.The Management
Shri Munipachaiyappan Textiles Limited
Sholingur
Arakkonam Taluk
Vellore.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the 1st respondent in connection with I.D.No.247 of 2009 pronounced on 09.01.2012 and quash the same.

For Petitioner : Mr.K.Sudalaikannu

For Respondents : Mr.T.Balaji for R2
R1 – Labour Court



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Writ Petition No.22690 of 2012

ORDER

This Writ Petition has been filed challenging the award of the 1st respondent in I.D.No.247 of 2009 dated 09.01.2012.

2. Today, when the matter is taken up for hearing, the learned counsel appearing for the 2nd respondent filed a joint compromise memo dated 14.02.2024, in which it is stated that the petitioner agreed to receive a sum of Rs.4 Lakhs as a final and one time settlement and the 2nd respondent has paid the same by way of Demand Draft No.875430 dated 12.02.2024, drawn Karur Vysya Bank, Sholingur Branch. The joint compromise memo is extracted hereunder:-

“1. The Petitioner was issued an order of 20.6.2006 by which the 2nd Respondent issued a punitive order imposing the punishment by which the petitioner was to be a temporary worker from 25.6.2006 from his earlier status of a permanent workman, terming it as "demotion". It is respectfully submitted that the termination of petitioner's service



Writ Petition No.22690 of 2012

as a permanent worker being termination within the meaning of Section 2A of Industrial Dispute Act, the petitioner raised as Industrial Dispute and the ensuing conciliation proceedings ended in failure resulting the issual of conciliation failure report on 6.6.2008, after which the petitioner raised an Industrial Dispute which was heard as I.D. No247/2009.

2. The Petitioner filed Writ Petition in WP. No. 22690 of 2012, Writ of Certiorari, calling the records of the 1st Respondent in connection with award in I.D. case No. 247/2009 pronounced on 09.01.2012 and quash the same and consequently Reliefs.

3. During Pendency of the above said Writ Petition, the Petitioner and the 2nd Respondent had resolved the dispute amicably among themselves and agree to following terms and conditions as under:

a) The Petitioner agree to receive sum of Rs.4,00,000/- as final and onetime settlement. The 2nd respondent pay the sum of Rs.4,00,000/- through Demand Draft No.875430 dated 12.02.2024 drawn



Writ Petition No.22690 of 2012

Karur Vysya Bank, Sholinghur Branch.

b) After receipt of the above said one time settlement there is no employee – employer relationship.

c) The petitioner relinquishes his rights to claim any relief past, present and future from the 2nd respondent, himself or through his agent or his union or from any forum.

d) The joint memo of compromise between the petitioner and the 2nd respondent were executed voluntarily, on their own, with proper legal counselling and without any fear, pressure, force, fraud, undue influence and coercion.

e) There is no collusion and connivance between the petitioner and the 2nd respondent in filing this memo of compromise.

f) Both parties shall bear their respective costs.”

3. The Demand Draft was duly handed over to the learned counsel appearing for the petitioner in the open Court and acknowledgment was also given to that effect by the learned counsel for the petitioner.



Writ Petition No.22690 of 2012

WEB COPY

4. In view of the above said joint compromise memo dated 14.02.2024, this Writ Petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

15.02.2024

Index : Yes / No
Internet : Yes / No
Speaking order / Non-speaking order
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To
The Presiding Officer
Principal Labour Court
Vellore.



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Writ Petition No.22690 of 2012

J.SATHYA NARAYANA PRASAD, J.,

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Writ Petition No.22690 of 2012

15.02.2024