



WEB COPY



W.P.No.6968 & 15434 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.07.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.Nos.6968 & 15434 of 2015

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M.P. Nos. 1 & 1 of 2015

W.P.No.6968 of 2015:

S.Ramesh

...Petitioner

Vs.

1.The Presiding Officer
Labour Court, Cuddalore.

2.The Management of Arkema Peroxides
India Private Limited
Represented by the
Assistant Vice – President (Establishments)
Semmankuppam Village,
Cuddalore.

...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus to call for the records of the respondents relating to the award passed by the 1st respondent dated 27.08.2014 in I.D.No.37 of 2012 and quash the same in so far as it upholds the



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dismissal of the petitioner from the service of the 2nd respondent company on 10.08.2012 and orders payment of compensation of Rs.4 Lakhs to the petitioner and further direct the 2nd respondent management to forthwith reinstate the petitioner in service with continuity of service, full back wages and all consequent and attendant benefits.

For Petitioner : M/s. Ramapriya Gopalakrishnan

For Respondent 1: Court

For Respondent 2 : Mr. P.Raghunathan
for M/s. T.S.Goplan & Co.

W.P.No.15434 of 2015:

The Management of Arkema Peroxides
India Private Limited
Represented by the
Assistant Vice – President (Works)
Semmankuppam Village,
Cuddalore.

...Petitioner

Vs.

1. The Presiding Officer
Labour Court, Cuddalore.

2. S.Ramesh

...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of



W.P.No.6968 & 15434 of 2012

Certiorari to call for the records of the 1st respondent dated 27.08.2014
in I.D.No.37 of 2012 and quash the same.

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For Petitioner : Mr. P.Raghunathan
for M/s. T.S.Goplan & Co.

For Respondent 1: Court

For Respondent 2 : M/s. Ramapriya Gopalakrishnan

COMMON ORDER

Today, the parties have filed a memorandum of settlement which has been reached under Section 18 (1) of the Industrial Disputes Act, 1947, whereunder the following terms have been arrived:

(i) Mr. S.Ramesh, hereby, accepts his cessation of employment as on 10.08.2012.

(ii) In consideration of Clause 1 above, purely as a gesture of goodwill to an erstwhile employee, the Company has agreed to pay Mr.S.Ramesh and he agreed to receive the sum of Rs 2 Lakhs as and by way of compensation in full and final settlement of all his claims



including whatever subsisting claims he may have including gratuity.

(iii) On payment of the above amount, Mr.S.Ramesh will have no further claim against the Management and/or any company of Arkema group.

(iv) It is agreed between the parties that Mr.S.Ramesh is permitted to withdraw the deposit of Rs.2 Lakhs with interest which is now lying with Labour Court, Cuddalore to the credit of ID No.37 of 2012.

(v) With this settlement neither party shall have any claim against the other.

(vi) The parties agree to file this settlement in the High Court and seek the disposal of 2 Writ Petitions on the basis of the settlement in replacement of the award of the Labour Court.

2. Pursuant to the above terms, the 2nd respondent in W.P.No.15434 of 2015 has received a sum of Rs.2,00,000/- (Cheque



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No.991181 dated 08.07.2024 drawn at Citibank) as full and final settlement of all his claims apart from the sum of Rs.2,00,000/- already in deposit to the credit of I.D.No.37 of 2012 on the file of the Labour Court, Cuddalore. The Labour Court, Cuddalore shall on petition being made by the 2nd respondent in W.P.No.15434 of 2015 seeking payment out of Rs.2,00,000/- lying in deposit to the credit of I.D.No.37 of 2012 order payment to him.

3. The memorandum of settlement is taken on file and the Writ Petitions are disposed of on the terms therein. The award of the 1st respondent in I.D.No.37 of 2012 dated 27.08.2014 is quashed. Consequently, the connected miscellaneous petitions are closed. No costs.

11.07.2024

Index : Yes/No
Internet : Yes/No
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To
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The Presiding Officer
Labour Court, Cuddalore.

P.T. ASHA, J,

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