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W.P.No.22152 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

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THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.22152 of 2019 and
W.M.P.No.21420 of 2019 and
W.M.P.Nos.21330 and 21331 of 2021 and
W.M.P.No.1785 of 2024

The Management of
Lotus Roofings Ltd
No.338, Thambu Chetty Street,
Chennai – 600 001.
Rep by its Chief Financial Officer
Sp.Venkatachalam

...Petitioner

(Petitioner cause title amended
as per order dated 29.02.2024 in
W.M.P.No.1785 of 2024 in
W.P.No.22152 of 2019)

Vs.

P.Subramanian

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, call for the records pertaining to the impugned award dated 14.06.2019 passed in I.D.No.253 of 2013 by the II



W.P.No.22152 of 2019

Additional Labour Court at Chennai.

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For Petitioner : Mr.A.Venkateshkumar
For Respondent : Mr.K.Elango

ORDER

Writ Petition is filed challenging the order dated 14.06.2019 in I.D.No.253 of 2013 by the II Additional Labour Court, Chennai. The learned counsels have produced the memorandum of settlement entered into between the management and the workman under section 18(1) of the Industrial Dispute Act.

2. As the settlement has been entered into between the parties no further orders are necessary in this writ petition. It is seen from the memorandum of settlement, the management namely Lotus Roofings Limited has deposited a sum of Rs.8,18,670/- (Rupees eight lakhs eighteen thousand six hundred and seventy only) to the credit of I.D.No.253 of 2013 on the file of the II Additional Labour Court, Chennai.

The terms of the Memorandum of settlement are as follows:

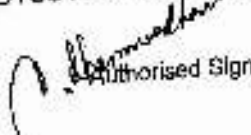


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TERMS OF THE SETTLEMENT

- a) P. Subramanian hereby agrees that the order of termination dated 30/05/2012 is final and binding on him
- b) P. Subramanian has agreed to receive a lump sum monetary compensation of Rs. 19,00,000/- from the Management of M/s Lotus Roofings Ltd, in full and final settlement of all his claims monetary or otherwise including reinstatement /reemployment and all terminal benefits arising out of award passed in I.D No 253 of 2013 dated 14/06/2019
- c) The Management of M/s Lotus Roofings. Ltd, agrees to pay the sum of Rs.19,00,000/- (Rupees Nineteen lakhs only) vide Demand Draft No.035505 drawn on HDFC Bank, Mylapore Branch dated 10-01-2024 in full and final settlement of all the claims made by P. Subramanian including terminal benefits and including the claim arising out of the Award passed in I.D. No. 253 of 2013.
- d) Upon receipt of the aforementioned sum P. Subramanian agrees to issue a receipt to the Management to the effect that he is receiving the sum of Rs. 19,00,000/- (Rupees Nineteen lakhs only) in full and final settlement of all his claims including terminal benefits and including the claim made in I.D. No. 253 of 2013.

For LOTUS ROOFINGS LIMITED

Authorised Signatory





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e) In view of the settlement P. Subramanian agrees that he will not raise any dispute or make any claim against the Management of M/s Lotus Roofings Ltd, monetary or otherwise including any claim for reinstatement/reemployment arising out of the Award passed in I.D.No.253 of 2013 including terminal benefits.

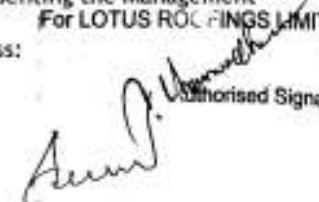
f) In view of this settlement it is agreed that Lotus Roofings Ltd (management) will be permitted to withdraw the sum of Rs 8,18,670/- with accrued interest deposited to the credit of I.D. No. 253 of 2013 on the file of the II Additional Labour Court, Chennai.

g) Both parties agree to file a copy of the settlement in W.P. No. 22152 of 2019 and request the Hon'ble High Court to dispose of W.P.No.22152 of 2019 in terms of this settlement.

IN WITNESS WHEREOF THE PARTIES HEREUNTO HAVE SIGNED THIS AGREEMENT ON THE DATE MENTIONED ABOVE

Representing the Management
For LOTUS ROOFINGS LIMITED
Witness:

Representing the Employee

1.  Authorised Signatory

2. 



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3. In view of the same, the petitioner namely Lotus Roofings Limited is permitted to withdraw the aforesaid sum along with interest. The writ petition is disposed of in terms of the settlement. The parties shall abide by the terms of the memorandum of settlement dated 18.01.2024 filed before this Court. The said memorandum of Settlement entered between the petitioner/Management and the respondent shall form part of this order. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

29.02.2024

Shl

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

To

The Management of

Lotus Roofings Private Ltd

No.338, Thambu Chetty Street,

Chennai – 600 001.

Rep by its Chief Financial Officer

Sp.Venkatachalam



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W.P.No.22152 of 2019

N.MALA,J.

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