



W.P.No.25847 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.25847 of 2019 and
W.M.P.No.25281 of 2019,
W.M.P.No.10489 of 2022 and
W.M.P.No.5471 of 2023

The Management,
Craigmore Plantations (India) Pvt Ltd
Rep by its Managing Director
Mr. Maletira Nanjapa Bopana
Kullakamby Post,
The Nilgiris.

...Petitioner

Vs.

1. General Secretary
Tamil Nadu Thotta Thozhilalar Munnetra Sangam (LPF),
Coonoor, Nilgiri District

2. General Secretary
Plantation Labour & Supervisor Union (HMS)
Coonoor, Nilgiri District

3. General Secretary,
Neelagiri Zilla Thotta Thozhilalar Sangam (INTUC)
Rokeby, Coonoor – 643 101.
Nilgiri District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for



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issuance of a Writ of Certiorari, calling for the records of the Additional Labour Court, Coimbatore in I.D.No.289 of 2010 and quash its Award dated 09.04.2018.

For Petitioner : Mr. S.Ravindran
Standing Counsel

For Respondents : Mr. C.K.Chandrasekar

ORDER

The Writ petition is filed for a Writ of Certiorari, calling for the records of the Additional Labour Court, Coimbatore in I.D.No.289 of 2010 and quash its Award dated 09.04.2018.

2. Both the learned counsels submit that 18(1) settlement was entered into between the parties. The copy of settlement deed is produced before this Court and the learned counsels request this Court to record the terms of aforesaid settlement.

3. Mr.Sebastian Savurianthony, who is the General Secretary of the second respondent Union is present in the Court and he has acknowledged the 18(1) settlement.

4. The terms of the 18(1) settlement are extracted below:



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TERMS AND CONDITIONS

1. The Trade Unions agreed to abide by the decision of the management in withdrawing the plucking overtime payment (POP) scheme, effecting from -1-4-2009.
2. Pursuant to this agreement the earlier industrial dispute raised belatedly by the above mentioned trade unions namely Tamil Nadu Thotta Thozhilalar Munnetra Sangam (LPF), Plantation Labour & Supervisor Union (HMS) and Neelagiri Zilla ThottaThozhilalar Sangam (INTUC) shall be deemed to have been closed for any purpose whatsoever, legally or otherwise.
3. All parties agree that this settlement replaces award dated 09.04.2019 in I.D. No.289 of 2010 passed by the Labour Court, Coimbatore.
4. All parties agree that the workmen are not entitled to any relief in terms of the award of the Labour Court dated 09.04.2019 in I.D. No.289 of 2010. It is further agreed that none of the workmen covered by the award of the Labour Court are entitled to any relief whatsoever in terms of the said award.
5. In appreciation of the gesture shown by the Trade Unions, as above referred, on behalf of the workmen at large, the management agreed to pay to all eligible permanent plucking worker who were on permanent checkroll as on 1-4-2009 and covered under the award of Labour Court an amount of Rs.1000/- (Rupees Thousand only) per year of service for every completed year of service, between 1-4-2009 to 31-3-2024, as goodwill amount.

Explanation: "Eligible permanent plucking worker" means a worker who had worked as a permanent worker for not less than 200 days in a year during their respective service period.





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5. The Trade Unions further agree to furnish authenticated copies of the resolutions passed by the workers/members of the respective unions and duly signed by the Estate Committees, approving and accepting the above terms and conditions.
7. All parties agree copy of this settlement shall be filed before the Honourable High Court of Judicature at Madras in W.P. No. in W.P. No.25847 of 2019 and shall pray for disposal of the writ petition in terms of this settlement.
8. It is agreed upon by the parties herein that the said goodwill amount shall be paid within 30 days of the final orders passed by the Honourable High Court in W.P. No. 25847 of 2019, based on this settlement, filed as aforesaid.

IN WITNESS WHEREOF THE PARTIES HAVE AFFIXED THEIR RESPECTIVE HANDS ON THIS NINETEENTH DAY OF MARCH, 2024, AT COIMBATORE.

For Trade Unions

1.

For PLANTATION LABOUR & SUPERVISORS UNION (PLS)

2.

S.A. SEBASTIN
General Secretary

3.

WITNESSES:

1.

2.

(MICHAEL ANTHONY)

For Management



GENERAL SECRETARY
THE NILGIRIS DIST ESTATE
WORKERS UNION (INTUC)
Roketty, Coimbatore



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5. Recording the 18(1) settlement, the writ petition is disposed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

25.03.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

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Coonoor, Nilgiri District

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