



W.A.No.2417 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM

THE HONOURABLE MRS. JUSTICE J. NISHA BANU

&

THE HONOURABLE MR.JUSTICE P.DHANABAL

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1. R. Veerasekaran
2. D.Palpandian
3. N. Srinivasan
4. A.R. Naveenan
5. J. Thyagarajan

(Five Men Committee of Workmen, representing the 104 employees of Nokia India Private Limited, having office at No.110/63, 2nd Floor Corporation of Chennai Shopping, Complex, N.S.K. Salai, Kodambakkam, Chennai 600 024)

... Appellants

Vs.

1. Government of Tamil Nadu, represented by its Secretary Labour and Employment Department, Fort St. George, Chennai 600 009.
2. The Assistant Commissioner of Labour (Conciliation), Sriperumbudur, Kancheepuram District.
3. The Management, Nokia India Private Limited, SEZ PHASE 3 A1, SIPCOT Industrial Estate, Sriperumbudur 602 105.

.... Respondents



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Prayer: This Writ Appeal is filed under Clause 15 of the Letters Patent praying to set aside the order passed in W.P.No.24591 of 2015, dated 10.07.2023.

For Appellants :Mr. Balan Haridas

For Respondents :Mr.T.Chezhian, Govt. Advocate
for R1
Mr.P.V.Balasubramanian, Sr.Counsel
for M/s.B.F.S. Legal for R3
R2- No appearance

JUDGMENT

(Order of the Court was made by J.NISHA BANU, J.)

1. This Writ Appeal is preferred by the appellants/employees, challenging the order of dismissal dated 10.07.2023 passed in W.P.No.24591 of 2015 by the learned Single Judge.

2. The facts of the case in a nutshell, led to filing of this Writ Appeal and necessary for disposal of this Writ Appeal are as follows:-

(a) The appellants are the employees of the 3rd Respondent Company, which, due to its unviable financial position and as the Company was under the verge of closing down its business, it offered a VRS Scheme to its employees. Pursuant to the meeting held on 31.10.2014 between the Company and the Nokia India Thozhilalar Sangam



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(herein after referred to as “Sangam”), a settlement under Section 18(1) of the Industrial Dispute Act, was arrived at between them, pursuant to which, the employees, including the appellants, received their amounts. However, the appellants have raised an industrial dispute on 23.02.2015 before the 2nd Respondent, disputing the settlement and seeking to refer the dispute to the Labour Court. Based on the report of the 2nd Respondent dated 22.06.2015, the 1st Respondent issued a G.O.(D).No.342, dated 14.07.2015, declining to refer the dispute to Industrial Disputes Tribunal. Against the said GO, the appellants had filed a Writ Petition in WP.No.24591 of 2015, seeking to refer the dispute to the Industrial Tribunal for appropriate adjudication.

(b) In and by the impugned order, dated 10.07.2023, the Writ Court had dismissed the Writ Petition on the ground that having enjoyed the benefits under the settlement and kept quiet for a substantial period, the appellants are not entitled to the relief as prayed for in the Writ Petition. Hence, this Writ Appeal has been filed by the Appellants.

3. This Court heard the learned counsel on either side, considered their



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submissions and also perused the entire materials placed on records.

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4. According to the learned counsel for the Petitioner, majority of the employees did not accept the terms of the settlement and mere receiving the amounts under the Settlement would not amount to accepting the terms of the settlement. Since such a settlement is in violation of Section 25(O) of the ID Act, the dispute ought to have been referred to the concerned Tribunal. Without considering the said aspects, the Writ Court has erroneously held that there is nothing to be adjudicated and hence, the GO issued by the Government is in order. Hence, the dispute may be referred to the concerned Tribunal, by allowing this Writ Appeal.
5. On the other hand, it is the case of the Respondents 1 and 2 that since there was no possibility for the 3rd Respondent Company, to run its business, the Company came forward to offer a VRS Scheme to its employees and consequently, a settlement was arrived at between them on 31.10.2014, pursuant to which, all the employees were paid compensation and hence, the settlement is binding on all the parties, including the appellants herein, who are also the members of the “Sangam.” The Writ Court also rightly held that the dispute having been resolved by virtue of



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the settlement and the appellants having enjoyed the benefits under the settlement, they are not entitled to the reliefs as sought for in the Writ Petition and accordingly, dismissed the Writ Petition.

6. The admitted facts are that the appellants are Employees of the Company and the members of the Sangam and that due to financial crisis, the 3rd Respondent Company was under the verge of closing down its business, however, the Company came forward to settle the issues by way of VRS Scheme and consequently, the alleged settlement was arrived at between the Company and its Employees, including the appellants, on 31.10.2014 under section 18(1) of ID Act, pursuant to which, the appellants have also received their amounts due under the settlement along with other employees.

7. It is not the case of the appellants that they have not received amount from the Company. The appellants, after receiving their settlements, kept quiet all along and raised the industrial dispute, questioning the closure of the Company as illegal and claimed to provide employment to them along with back wages. As stated above, admittedly, by way of settlement, the dispute between the parties was settled. Once the dispute between the



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parties by way of an settlement is settled and after having agreed to the terms of the settlement and received the amount as per the settlement, any party to the settlement has no locus standi to question the same, as there is no industrial dispute in existence.

8. Considering the above said admitted facts and circumstances, the Writ Court, relying on the decisions of the Honourable Supreme Court reported in **(1996) 10 SCC 446 (KCP.Limited V.Presiding Officer)** and **(2000) 2 SCC 455 (Nedungadi Bank v. K.P.Madhavan Kutty)**, came to the right conclusion that the settled matters should not be unsettled and holding so, dismissed the Writ Petition, by the impugned order, which , in the opinion of this Court, does not warrant any interference by this Court. Accordingly, this Writ Appeal is liable to be dismissed.

9. In fine, this Writ Appeal is dismissed. No costs.

[J.N.B.,J.] [P.D.B.,J.]
03.07.2024

Index: yes/no
Internet:yes/no
msr



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P.DHANABAL, J.

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