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W.A.Nos.3548 and 3249 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.A.Nos.3548 and 3249 of 2023
and C.M.P.No.29012, 26511 of 2023
and C.M.P.Nos.1305 & 1303 of 2024

W.A.No.3548 of 2023

S.Packiaraj

... Appellant

vs.

1.The Management,
M/s.Brakes India Ltd.,
Presently M/s.Brakes India (P) Ltd.,
M.T.H. Road, Padi,
Chennai-600 50

2.The Presiding Officer,
1st Additional Labour Court,
Chennai-104

... Respondents

PRAYER: Appeal is filed under Clause 15 of the Letters Patent, praying to set aside the order passed in W.P.No.10776 of 2014 dated 19.07.2023 as illegal, unjust and allow the writ appeal as prayed for.



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W.A.Nos.3548 and 3249 of 2023

For Appellant : Mr.C.K.Chandrasekhar
For Respondents : Mr.Anand Gopalan
for AGAM Legal Advocates
for R1
R2 - Labour Court

W.A.No.3249 of 2023

The Management of
Brakes India Limited,
Padi,
Chennai-600 050
Rep. by Group Personnel Advisor

...Appellant

Vs.

1.The Presiding Officer,
I Additional Labour Court,
Chennai-600 104.

2.S.Packiaraj

...Respondents

PRAYER: Appeal is filed under Clause 15 of the Letters Patent, praying to set aside the order dated 19.07.2023 in W.P.No.7909 of 2014.

For Appellant : Mr.Anand Gopal
for AGAM Legal Advocates
For Respondents : R1 - Labour Court
Mr.C.K.Chandrasekar for R2



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COMMON JUDGEMENT

(Judgement of this Court was delivered by M.S.RAMESH.J)

Pending the Writ Appeal, both the Management, as well as the workman have amicably settled the dispute among themselves and have entered into a memorandum of settlement dated 08.10.2024. The terms of the settlement are as follows:

"Terms of Settlement

- a) *Thiru Packiaraj agrees and accepts his cessation of employment w.e.f. 20.02.1991.*
- b) *It is further agreed that the Management has deposited a sum of Rs.6 lakhs before the Labour Court on 24.9.2014 and that the above amount with accrued interest would be withdrawn by Thiru.S.Packiaraj. It is further agreed that the Management shall settle the P.F. dues of Thiru.S.Packiaraj, upto 20.02.1991.*
- c) *It is agreed that, except for the above amounts, Thiru.S.Packiaraj would not be entitled to any other amounts statutorily or contractually from the Management and that he has received all the payments due to him, till the date of his retirement on 20.02.1991.*



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d) It is agreed that the amounts provided for in this settlement are in Full and Final settlement of all his claims against the Management, including Gratuity, Provident Fund and all other dues.

e) It is agreed that the Management shall have no objection to Thiru.S.Packiaraj withdrawing the amount deposited before the Labour Court.

f) It is agreed by both the parties that a copy of this Settlement would be filed before the Hon'ble High Court, with a prayer to substitute the award of the Labour Court with this settlement and praying that this Settlement be made shall form part of the order to be passed by the Hon'ble High Court.

g) With this settlement, both the parties shall have no other claim against each other. "

2. In line with the terms of the settlement, the workman is granted liberty to file appropriate application before the learned I Additional Labour Court, Chennai seeking for withdrawal of the amount. On receipt of such application, the Labour Court concerned shall endeavour to pass



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final orders, as expeditiously as possible, in any event within a period of one (1) week from the date of receipt of a copy of this Judgement.

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3. Accordingly, these Writ Appeals stand closed. No Costs.
Consequently, connected miscellaneous petitions are closed.

[M.S.R., J] [M.J.R.,J]

14.10.2024

Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Anu

Copy to:

The Presiding Officer,
1st Additional Labour Court,
Chennai-104.

M.S.RAMESH, J.
and



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M.JOTHIRAMAN, J.

Anu

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