



W.A.No.3545 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

**THE HONONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONONOURABLE MR. JUSTICE P.DHANABAL**

**W.A.No.3545 of 2023
and
C.M.P.No.28969 of 2023**

The Management of Tenneco Automotive India Pvt.Ltd.,
(Formerly known as renowned Auto Products Mfts.Ltd.)
rep. by its Head HR-South, Louis Ambrose,
No.122, SIPCOT Industrial Complex,
Hosur - 635 126
Vs. ... Appellant

1. The Presiding Officer,
Labour Court, Salem.

2. G.Murugan,
aged 43 years,
Son of Mr.V.Govindhan,
No.265/19, Bharathiyar Nagar, SIPCOT,
Hosur - 635 126.
Krishnagiri District. ...Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the
order dated 13.07.2023 made in W.P.No.36677 of 2016 passed by the
learned single of this Court.



WEB COPY



W.A.No.3545 of 2023

For Appellant : Mr.Gaurav Chatterjee
For Respondents : R1- Court
Mr.V.Subramani for R2

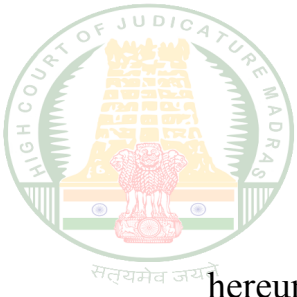
J U D G M E N T

(The Judgement of the Court was delivered by J.Nisha Banu,J.)

This Writ Appeal has been filed as against the order dated 13.07.2023 made in W.P.No.36677 of 2016 passed by this Court.

2. When the matter is taken up for hearing today, the learned counsel appearing for the appellant and the learned counsel appearing for the contesting respondent/2nd respondent would state that the matter has been settled between the parties and they have also filed a Joint Memo of Compromise dated 18.10.2024 entered into between them before the Tamilnadu Mediation and Conciliation Centre, attached to this Court. Therefore, the learned counsel appearing on either side would state that this Writ Appeal may be disposed of in terms of the Joint Memo of Compromise filed by them.

3. The said Joint Memorandum of Compromise dated 18.10.2024 entered into between the appellant and the 2nd respondent is extracted



W.A.No.3545 of 2023

hereunder:

WEB COPY

JOINT MEMO OF COMPROMISE ENTERED INTO
BETWEEN THE APPELLANT AND THE 2nd
RESPONDENT UNDER SECTION 18(1) OF THE
INDUSTRIAL DISPUTE ACT, 1947

It is humbly submitted as follows:

1. The Present Writ Appeal has been filed against the Order dated 13.07.2023 passed by this Hon'ble Court in W.P.No.36677 of 2016, wherein the Appellant was directed to reinstate the 2nd Respondent back into service on the existing pay on the date of reinstatement with continuity of service and all other attendant benefits but without backwages.

2. It is respectfully submitted that now both the parties have arrived at a compromise to settle the issue amicably in view of the full and final settlement offered by the Appellant herein to the 2nd Respondent and accordingly, the Appellant hereby offers a sum of Rs.23,00,000/- (Rupees Twenty-Three Lakhs only) towards full and final settlement *in lieu of* reinstatement into service.

3. In addition to the above-mentioned sum towards full



WEB COPY



W.A.No.3545 of 2023

and final settlement, the Appellant agrees to facilitate the withdrawal of the Provident Fund dues from PF Authorities by the 2nd Respondent by executing necessary forms.

4. The 2nd Respondent agrees that the said sum of Rs.23,00,000/- offered by the Appellant is towards full and final settlement of all dues including but not limited to gratuity and bonus and this amount is being paid by way of Demand Draft number 528831, dated 16.10.2024 drawn on ICICI bank, Hosur branch.

5. The 2nd Respondent also agreed that he shall bear any sums due and payable as Income tax and/or any other statutory dues.

6. It is respectfully submitted that both the parties will have no future claim against each other in respect of the issue(s) arising out of the Award dated 25.09.2013 & 30.12.2015 passed by Labour Court, Salem in I.D.No.287 of 2005, Orders passed by this Hon'ble Court in W.P.No.36677 of 2016 and the present Writ Appeal.

Therefore, it is humbly prayed that this Hon'ble Court may be



WEB COPY



W.A.No.3545 of 2023

pleased to record this Joint Memo of Compromise and pass
suitable order in this Writ Appeal and thereby render justice.

4. The aforesaid Joint Memo of Compromise dated 18.10.2024 is
taken on record.

5. Accordingly, the Writ Appeal is disposed of in terms of the
Joint Memo of Compromise dated 18.10.2024. No Costs. Consequently,
connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
Sts

(J.N.B,J.) (P.D.B., J.)
13.11.2024

To

1. The Presiding Officer,
Labour Court, Salem.



WEB COPY



W.A.No.3545 of 2023

J. NISHA BANU, J.
and
P.DHANABAL, J.

Sts

W.A.No.3545 of 2023

13.11.2024