



W.A.(MD) No.681 of 2019

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2024

CORAM

JUSTICE N. SESHASAYEE

and

JUSTICE P.VADAMALAI

W.A.(MD) No.681 of 2019

and

C.M.P.(MD).No.5915 of 2019

The Managerment,
Maris Spinners Limited Unit II,
Kulithalai Raod,
Manapparai-621 306,
Tiruchirappalli District.

... Appellant / Respondent

Vs.

M.Sivakumar

... Respondent / Petitioner

Prayer: Appeal filed under Clause 15 of Letters Patent Act to set aside the order dated 01.02.2019 made in W.P.(MD).No.23113 of 2018 and allow this Writ Appeal.



W.A.(MD) No.681 of 2019

WEB COPY

For Appellant : Mr.Ramesh,
for Mr.G.Mohan Kumar

For Respondent : No Appearance

JUDGMENT

(Judgment of the Court was delivered by N.Seshasayee, J.)

The appeal arises out of an order of the learned Single Judge dated 01.02.2019 by which the award passed by the Labour Court in I.A.No.306 of 2016 in I.D.No.50 of 2013 is set aside and remanded the matter back to the Labour Court for fresh consideration.

2. The issue arises in the following manner: The respondent herein was a workman under the appellant and after a domestic enquiry, the appellant terminated the services of the respondent on 05.10.2007. This came to be challenged in I.D.No.50 of 2013. The appellant filed I.A.No.306 of 2016 and raised a preliminary objection that the I.D as instituted was time barred. This was accepted by the Labour Court and accordingly, dismissed I.D.No.50 of 2013. The workman would now challenge this award of the Labour Court in



W.A.(MD) No.681 of 2019

W.P.(MD).No.23113 of 2018 and it came to be allowed by the learned Single Judge vide its order dated 01.02.2019 and remanded the matter back to the Labour Court. This order of remand is now under challenge in this appeal.

3. The workman has been served with the notice, but, he did not choose to appear. The learned counsel for the appellant submitted that the pending appeal, the appellant had settled the matter with the workman and paid him a lump sum compensation and the workman has also accepted it and has given an undertaking that he will not press the Writ Appeal. He has also circulated a copy of the Memo of Compromise which had entered into with the respondent.

4. The appeal is a continuation of the writ petition and inasmuch as in the appeal whatever compromise that had taken place during the pendency of the appeal can be taken note of by this Court. This Court is satisfied with the Memo of Compromise as produced. Since the respondent had chosen not to appear, this Court is now left with no other option but to dismiss W.P. (MD).No.23113 of 2018.



W.A.(MD) No.681 of 2019

WEB COPY

5. Accordingly, the W.P.(MD).No.23113 of 2018 is dismissed and this appeal is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

(N.S.S., J.) (P.V.M., J.)
08.07.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes

TSG



WEB COPY



W.A.(MD) No.681 of 2019

N. SESHASAYEE, J.
and
P.VADAMALAI, J.

TSG

W.A.(MD) No.681 of 2019

08.07.2024