



W.P.Nos.1409 of 2012, 5592 of 2017 and 1756 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.1409 of 2012, 5592 of 2017 and 1756 of 2015

and

M.P.No.1 of 2015 in W.P.No.1756 of 2015

1. B.E.Babu Sayath ... Petitioner in W.P.No.1409 of 2012

2. M/s.Textile India

Represented by its Partner Mohanlal Bisni (Died)

No.58, Purasawalkam High Road,

Chennai – 600 007.

M/s.Textile India, Rep. by its Partner Mankawar Bisani,

No.58, Purasawalkam High Road,

Chennai – 600 007.

*(Petitioner Partner Name Substituted vide order dated 04.08.2023
made in W.M.P.No.22616 of 2023 in W.P.No.5592 of 2017)*

... Petitioner in W.P.No.5592 of 2017

3. M/s.Textile India

Represented by its Partner Mohanlal Bisani

No.58, Purasawalkam High Road,

Chennai – 600 007.

... Petitioner in W.P.No.1756 of 2015

Vs.

1. The Presiding Officer,

The IIIrd Additional Labour Court,

Chennai.

... 1st respondent in W.P.Nos.1409 of
2012 & 1756 of 2015

2. The Presiding Officer,



W.P.Nos.1409 of 2012, 5592 of 2017 and 1756 of 2015

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Ist Additional Labour Court,
Chennai.

... 1st respondent in W.P.No.5592 of 2017

3. The Managing Director,
Textile India,
No.47, Ranganathan Street,
Chennai – 600 017. ... 2nd respondent in W.P.No.1409 of 2012

4. B.E.Babu Sayath ... 2nd respondent in W.P.Nos.5592 of 2017
& 1756 of 2015

Prayer in W.P.No.1409 of 2012 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the award passed by the 3rd Additional Labour Court at Chennai, the 1st respondent herein in I.D.No.221 of 2004 on 24.08.2009 and quash the award in so far as it relates to the backwages concerned and order directing the 2nd respondent to pay the backwages for the period from 08.08.2003 to 12.11.2009.

Prayer in W.P.No.5592 of 2017 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records and quash the impugned Award dated 17.08.2016 issued by the Respondent No.1 in I.D.No. 270 of 2011.

Prayer in W.P.No.1756 of 2015 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records and quash the order dated 13.11.2014 issued by the Respondent No.1 in C.P.No.2397 of 2011.

In W.P.Nos.5592 of 2017 and 1756 of 2015



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For Petitioner in : Mr.R.Ganesh
W.P.Nos.5592 Kumar
of 2017 and
1756 of 2015

For Petitioner in : Mr.S.Ravi
W.P.No.1409 of
2012

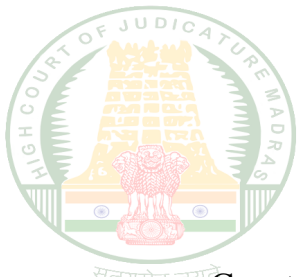
For : R1 – Court
Respondents in Mr.S.Ravi for R2
W.P.Nos.5592
of 2017 and
1756 of 2015

For : R1 – Court
Respondents in Mr.R.Ganesh
W.P.No.1409 of Kumar for R2
2012

COMMON ORDER

Since the issue involved in the present writ petitions are one and the same they are disposed of by way of this common order.

2. When these matters are taken up for hearing today, learned counsel appearing for the parties submitted that, during the pendency of the above writ petitions, the parties have arrived at a compromise and to that effect the joint memorandum of compromise between the petitioner and the second respondent dated 20.02.2025 has been filed before this



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Court, which has been signed by the petitioner and the second respondent and also by the learned counsel for the parties.

3. The said joint memorandum of compromise dated 20.02.2025 entered between the parties is extracted herein:

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WP No. 1409 of 2012
WP No. 1756 of 2015
WP No. 5592 of 2017

Cause Title as per WP No. 5592 of 2017
M/s. Textile India,
Rep by its Partner Mrs. Mankawar Bisani,

...Petitioner

Vs

1. The Presiding Officer,
III Additional Labour Court,
Chennai

2. B.E. Babu Sayath,
S/o. B. Ebrahim,

...Respondents

JOINT MEMORANDUM OF COMPROMISE BETWEEN THE PETITIONER AND
THE SECOND RESPONDENT

1. It is submitted that the petitioner herein is a Partnership firm engaged in the business of Textiles and second respondent herein was employed in the second respondent. It is submitted that as he was terminated from job, the second respondent had preferred an ID No. 221 of 2004 before the III Additional Labour Court, Chennai.

2. It is submitted that the Hon'ble III Additional Labour Court, Chennai through an award dated 24.08.2009 had directed reinstatement of the second respondent with the petitioner herein without back wages but with continuity of service. It is submitted that the second respondent herein aggrieved over the denial of back wages had filed WP No. 1409 of 2012 before this Hon'ble Court.

- Mankawar Bisani

B.E. BABU SAYATH

engaged in the business of Textiles and second respondent herein was employed in the second respondent. It is submitted that as he was terminated from job, the second respondent had preferred an ID No. 221 of 2004 before the III Additional Labour Court, Chennai.

2. It is submitted that the Hon'ble III Additional Labour Court, Chennai through an award dated 24.08.2009 had directed reinstatement of the second respondent with the petitioner herein without back wages but with continuity of service. It is submitted that the second respondent herein aggrieved over the denial of back wages had filed WP No. 1409 of 2012 before this Hon'ble Court.

- Mankawar Bisani

B.E. BABU SAYATH



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3. It is submitted that the second respondent herein was reinstated into the service of the petitioner herein. It is submitted that the second respondent herein filed a Claim Petition in 2397 of 2011 before the III Additional Labour Court seeking for the wages on the basis of continuity of service awarded in ID No. 221 of 2004.

4. It is submitted that however once again disciplinary proceedings were initiated against him and as a result of finding against the second respondent, he was terminated vide order dated 06.07.2011. It is submitted that the second respondent challenging the said order of dismissal had once again filed an ID No. 270 of 2011 before the Hon'ble I Additional Labour Court, Chennai.

5. It is submitted that in the meantime, the Hon'ble III Additional Labour Court, Chennai was pleased to allow the Claim Petition filed by the second respondent herein and directed the petitioner herein to pay a sum of Rs.1,10,040/- within a period of 60 days, in the event of failure the said amount shall carry an interest of 9% per annum. It is submitted that challenging the said Order the petitioner herein had preferred WP No. 1756 of 2015 before this Hon'ble Court.

6. It is submitted that in the ID No. 270 of 2011 filed by the second respondent, the Hon'ble I Additional Labour Court was pleased to pass an Award dated 06.01.2016 directing the petitioner herein to pay a sum of Rs.5,00,000/- as

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compensation after declining the relief of reinstatement. Aggrieved over the same, the petitioner herein had preferred a WP No. 5592 of 2017.

7. It is submitted that thus the WP No. 1409 of 2012, WP No. 1756 of 2015 and WP No. 5592 of 2017 are pending as on date, the first respondent in all the cases is the Hon'ble Labour Court, which passed respective award/orders. Therefore there is no vested interest for the first respondent in this case and the first respondent herein is only a formal party, therefore the first respondent is not a party to the compromise.

8. It is submitted that during the pendency of the writ petitions, the parties have arrived at a compromise, wherein they have decided to give quietus to all the issues involved in the writ petitions pertaining to the service and service benefits of the second respondent herein on the following terms and conditions.

TERMS AND CONDITIONS:

A. The petitioner herein (Textile India) has agreed to pay a consolidated sum of Rs. 5,00,000/- as compensation for the second respondent (Mr. B.E. Babu Sayath) herein and lieu of this had issued a Post Dated Cheque drawn from the account of Mrs. Mankawar Bisani dated 31.03.2025 drawn on M/s. City Union Bank Ltd., T. Nagar Branch, Chennai - 600 017 vide Cheque bearing No. 000002 in favour of the second respondent herein.

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B.E. Babu Sayath



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B. The second respondent herein agrees to receive the sum of Rs.5,00,000/- (Rupees Five Lakhs Only) by way of Postdated Cheque issued from the account of Mrs. Mankawar Bisani, as consolidated sum of compensation and undertakes that he shall give up all further/future claims as against the petitioner herein including the order passed in CP No. 2397 of 2011, as well the claim for reinstatement.

C. It is submitted that the second respondent further undertakes that he shall not have any further claims of any nature as against the petitioner herein in future, as the present amount of Rs. 5,00,000/- (Rupees Five Lakhs Only) is received by him as full and final settlement amount by settling all the issues pending with the petitioner herein, subject to the realization of the cheque issued by the petitioner herein.

In the above circumstances it is prayed that this Hon'ble Court may be pleased to dispose off the WP No. 1409 of 2012, WP No. 1756 of 2015 and WP No. 5592 of 2017 as per the terms of compromise and thus render justice.

Dated at Chennai on this the 20th day of February 2025

Mankawar M. Bisani
PETITIONER

BE. Ganesan
SECOND RESPONDENT

[Signature]
COUNSEL FOR PETITIONER

[Signature]
COUNSEL FOR SECOND RESPONDENT



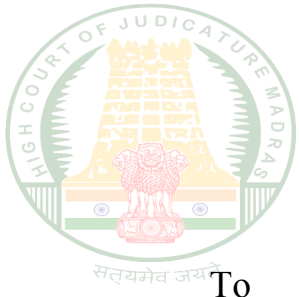
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4. Accordingly, these Writ Petitions are disposed of in terms of the joint memorandum of compromise dated 20.02.2025 and the same shall form part and parcel of the records. No Costs. Consequently, the connected writ miscellaneous petition is closed.

20.02.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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W.P.Nos.1409 of 2012, 5592 of 2017 and 1756 of 2015

To
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1. The Presiding Officer,
The IIIrd Additional Labour Court,
Chennai.
2. The Presiding Officer,
Ist Additional Labour Court,
Chennai.



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M.DHANDAPANI, J.

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20.02.2025