



W.P.No.2423 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.2423 of 2019

and

W.M.P.No.2673 of 2019

The Management of Herrenknecht Inida Private Limited,
Rep. by its Managing Director – Manoj Garg,
No.11, GNT Road, Alinjivakkam Village,
Ponneri Taluk,
Thiruvallur District,
Chennai – 600 067.

... Petitioner

Vs.

A.Murali

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the I Additional Labour Court, Chennai in I.D.No.198 of 2016 and quash its Award dated 28.12.2018.

For Petitioner : Mr.S.Ravindran
Senior Counsel
for M/s.S.Bazeer Ahamed

For Respondent : Mr.P.G.Thiyagu



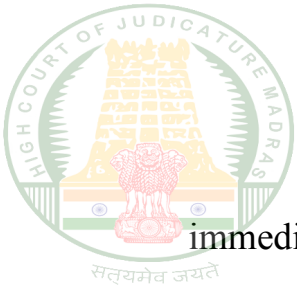
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ORDER

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2. The case of the petitioner is that, it is a worldwide market leader in the manufacture of tunnel boring machines. The respondent was appointed on 30.03.2011 as a trainee and due to metro-train tunneling at New Delhi, by order dated 18.06.2015, the respondent was transferred to New Delhi. Since the respondent refused to accept the said order, on the very next day he was terminated. Thereby, he raised an industrial dispute u/s 2A(2) of the Industrial Disputes Act in I.D.No.198 of 2016 before the I Additional Labour Court, Chennai and the and the Labour Court vide order dated 28.12.2018, has ordered reinstatement with continuity of service, full backwages and all other attendant benefits from the date of termination of service to till the date of reinstatement. Challenging the same, the present writ petition has been filed by the petitioner before this Court.

3. When the matter is taken up for hearing today, learned Senior Counsel appearing for the petitioner/management submitted that



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immediately after the filing of this writ petition, the petitioner/management has deposited the backwages to the tune of Rs.6,14,463/-. Apart from that, the petitioner is ready to pay a sum of Rs.4,00,000/- as additional compensation in lieu of reinstatement, in full quit, to the respondent, within a reasonable time that may be fixed by this Court.

4. The respondent/workman appeared before this Court along with his learned counsel and he submitted that he is ready to receive the backwages deposited by the petitioner/management to the tune of Rs.6,14,463/- along with accrued interest and the additional compensation of Rs.4,00,000/- as offered by the petitioner/management.

5. In view of the above settlement arrived between the parties, the impugned award passed by the Labour Court is set aside in the following terms :-

(i) the respondent/workman is permitted to withdraw the backwages already deposited by the petitioner/management to the tune of Rs.6,14,463/- (Rupees Six Lakhs Fourteen Thousand Four Hundred and Sixty Three only) ;

(ii) Apart from the above backwages, the



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petitioner/management is directed to pay a sum of Rs.4,00,000/- (Rupees Four Lakhs only) as compensation in lieu of reinstatement, in full quit, to the respondent/workman, within a period of four (4) weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of in the above terms. No costs.

Consequently, the connected writ miscellaneous petition is closed.

04.04.2025

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To
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The I Additional Labour Court,
Chennai.



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M.DHANDAPANI, J.

sp

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