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W.P.No.18328 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

W.P.No.18328 of 2023

and

WMP.No.17535 of 2023

M/s. Saravana Selvarathanam,
Rep. by its Proprietor,
Sri Saravana Arul,
14, Ranganathan Street,
T.Nagar, Chennai – 17.

...Petitioner

Vs.

T.Paulraj

...Respondent

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records in I.D.No.234 of 2008 on the file of Hon'ble II Additional Labour Court, Chennai and quash the award dated 28.02.2023.

For Petitioner : Mr.D.Abdullah

For Respondent : Mr.N.Kamaraj

ORDER

This Writ Petition has been filed by the petitioner seeking quashment of the award passed by the II Additional Labour Court, Chennai in I.D.No.234 of 2008 dated 28.02.2023.



W.P.No.18328 of 2023

WEB COPY 2. The case of the petitioner/management is that, the respondent/workman joined the services of the petitioner management on 16.09.2002 and he was subsequently transferred to Dairy Division started by the petitioner during the year 2005 and worked as incharge of the unit. While so, due to improper handling of the activities and lack of integrity on the part of the respondent, the dairy unit became inviable and the same was closed on 31.12.2005. Thereafter, the accounts of the respondent were settled and the factory license was also surrendered to the Inspectorate of Factories by letter dated 10.01.2006. While so, alleging that he was orally terminated from service, the respondent/workman raised an dispute in I.D.No.234 of 2008 and the lower court, without considering any of the above said facts, vide impugned order dated 28.02.2003 ordered for reinstatement with 50% backwages along with continuity of service and attendant benefits. Challenging the same, the present writ petition has been filed.

3. During the pendency of this writ petition, upon considering the fact that there are chances of settlement in this mater, this Court referred

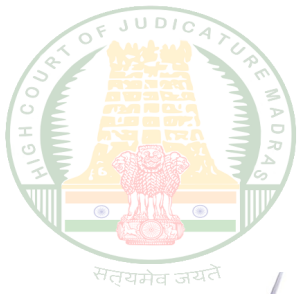


W.P.No.18328 of 2023

WEB CON the matter to Tamil Nadu Mediation and Conciliation Centre attached to this Court vide order dated 18.11.2024.

4. When the matter is taken up for hearing today, learned counsel appearing for the parties submitted that, the parties have arrived at settlement and to that effect, mediation report along with settlement agreement dated 19.02.2025 signed by the petitioner and the respondent and also by the learned counsel for the parties has been filed before this Court.

5. The settlement agreement entered between the parties dated 19.02.2025 is extracted herein:



W.P.No.18328 of 2023

WEB COPY

SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT entered into on the 19th day of February 2025
Between

Saravana Arul Proprietor Saravana Selvarathnam and T.Paul Raj

WHEREAS

1. The Petitioner had filed the writ petition in W.P.No 18328 of 2023 was filed on 12.06.2023 before the Hon'ble Madras High Court, against the award of the II Labour Court, Chennai passed in I.D.No.234 of 2008, granting reinstatement in employment, continuity of services, 50% back Wages and with all attendant benefits to the Respondent/workman.
2. The matter was referred to mediation / conciliation vide an order dated 18.11.2024 passed by His Honourable Mr.Justice D.Bharatha Chakravarthy
3. The parties agreed that _____ would act as their Mediator/Conciliator
4. Several meetings were held during the process of Mediation/Conciliation from 26.11.2024 to 17.02.2025 and the parties have with the assistance of the Mediator/ Conciliator voluntarily arrived at an amicable settlement resolving the above mentioned disputes and differences
5. The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at the Settlement Agreement in the presence of the Mediator/Conciliator.
6. The following settlement has been arrived at between the Parties hereto: _____
 - a. Mr.T.Paulraj accepts that the cessation of employment took place on closure of the dairy division with effect from 31.12.2005.
 - b. Mr.T.Paulraj, hereby relinquishes the award dated 28.02.2023 passed in I.D.No.234 of 2008 in its entirety and in lieu thereof agrees to receive the sum of Rs.7,00,000/- (Rupees seven Lakhs



WEB COPY



W.P.No.18328 of 2023

only) in full and final settlement of all his claims, statutory or otherwise, including gratuity.

c. The Management has this day paid Mr.T.Paulraj the sum of Rs.7,00,000/- (Rupees Seven Lakhs only) by way of Demand Draft, bearing No.007190 dated 17.02.2025 drawn on HDFC bank, K.B. Dasan Road Chennai- 600 018, branch in full and final settlement of all his claims, including Gratuity, as set out in the clause b above.

d. Mr.T.Paulraj admits, acknowledges and discharges the Petitioner/Employer fully from reinstating him in employment or from paying any further sums, benefits, contractual or statutory, including gratuity.

e. In view of the full and final settlement reached, Mr.T.Paulraj undertakes not to claim any of the benefits based on the award dated 28.02.2023 passed in I.D.No.234 of 2008, by the Hon'ble II Additional Labour Court, Chennai, that he had relinquished under this settlement.

f. Both parties agree to file this settlement in W.P.No.18238 of 2023 filed by the Management and seek for an order in terms of this settlement.

7. By signing this Agreement, the Parties hereto state that they have no further claims or demands against each other with respect to I.D.No.234 of 2008 and all other disputes and differences in this regard have been fully and finally settled by the Parties hereto through the process of Conciliation / Mediation

DATE: 19.02.2025 For Saravanan Selvarathinam (Dairy Division)

PARTIES SIGNATURE

: Petitioner/
Employer

Manager

Respondent/
Workman

COUNSELS SIGNATURE

: Petitioner/
Employer

Respondent/
Workman





W.P.No.18328 of 2023

WEB COPY

6. Accordingly, this Writ Petition stands disposed of in terms of the settlement agreement dated 19.02.2025 and the same shall form part and parcel of the records. No Costs. Consequently, the connected miscellaneous petition is closed.

26.02.2025

skt

Index	: Yes / No
Speaking order	: Yes / No
NCC	: Yes / No

To

The II Additional Labour Court,
Chennai.



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W.P.No.18328 of 2023

M.DHANDAPANI, J.

skt

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