



W.P.(MD) No.7396 of 2017 & 24957 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.7396 of 2017 & 24957 of 2018

and

W.M.P.(MD) Nos.5794 of 2017 & 22614 of 2018

W.P.(MD) No.7396 of 2017:

The Management
A.1254. Theni Agricultural
Producers' Co-operative
Marketing Society Ltd.,
Theni

... Petitioner

-vs-

1.The Appellate Authority under
Section 41 of Tamilnadu Shops
and Establishments Act
[Deputy Commissioner of Labour]
34, Nehruji Nagar 1st Street
Dindigul-624 001

2.A.Manoharan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records of the first respondent relating to TNSE Appeal No.6/2013, quash the order dated 08.020-2017, passed therein.



W.P.(MD) No.7396 of 2017 & 24957 of 2018

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For Petitioner : Mr.S.Seenivasagam

For Respondents : Mr.A.Baskaran
Additional Government Pleader for R1
Mr.S.Karthik for R2

W.P.(MD) No.24957 of 2018:

The Management
A.1254. Theni Agricultural
Producers' Co-operative
Sales Society Ltd.,
Periyakulam Road
Theni-625 531

... Petitioner

-vs-

- 1.The Appellate Authority under
the Payment of Gratuity Act
[Deputy Commissioner of Labour]
Khajamalai Colony
Thiruchirappally
- 2.The Controlling Authority under
the Payment of Gratuity Act
[Assistant Commissioner of Labour]
34, Nehruji Nagar 1st Street
Dindigul-624 001

3.A.Manoharan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records of the first respondent relating to P.G.Appeal No.38/2018, quash the order dated 29.10.2018 passed therein.



W.P.(MD) No.7396 of 2017 & 24957 of 2018

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For Petitioner : Mr.S.Seenivasagam

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1 & R2
Mr.S.Karthik for R3

ORDER

When the matter was taken up for consideration on the earlier occasion i.e., on 03.04.2025, this Court made a suggestion to the learned counsel on either side to make an effort to settle the matter amicably. Pursuant to the same, learned counsel on either side brought to the notice of this Court on 22.04.2025 that the parties have arrived at appropriate settlement and therefore, sought time to file a joint memo of compromise.

2. Accordingly, a Joint Memorandum dated 25.04.2025 is filed before this Court today containing the following terms:

“1. The Employee A.Manoharan, agreed to reimburse Rs:79,282/= towards the short collection of Interest, rent, Insurance and commission;



W.P.(MD) No.7396 of 2017 & 24957 of 2018

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2. *In view of the above term The Management, A1254.Theni Agricultural Producers' Co-operative Sales Society Ltd, agreed to revise the order of dismissal Dt:17-04-2013, as discharge from service and pay all service benefits;*
3. *The Employee A.Manoharan, agreed to adjust Rs:79,282/= from the service benefits vide Term No:2 and get the balance amount.*
4. *The Management, A.1254.Theni Agricultural Producers' Co-operative Sales Society Ltd, agreed to disburse the balance amount on or before 15-05-2025.*
5. *In view of the above terms both parties agreed that issues relating to Sur-charge proceeding initiated against Employee A.Manoharan, has been settled; and that,*
- 6 *there is no further recourse whatsoever against each other.”*

3. The said Joint Memorandum, dated 25.04.2025, is taken on record.



W.P.(MD) No.7396 of 2017 & 24957 of 2018

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4. Accordingly, both the writ petitions shall stand disposed of in terms of the agreed terms as noted above. No costs. Consequently, connected miscellaneous petitions are closed.

25.04.2025

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

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To:

- 1.The Deputy Commissioner of Labour,
Appellate Authority under
Section 41 of Tamilnadu Shops
and Establishments Act,
34, Nehruji Nagar 1st Street,
Dindigul-624 001.
- 2.The Deputy Commissioner of Labour,
Appellate Authority under
the Payment of Gratuity Act,
Khajamalai Colony,
Thiruchirappally.
- 3.The Assistant Commissioner of Labour,
Controlling Authority under
the Payment of Gratuity Act,
34, Nehruji Nagar 1st Street,
Dindigul-624 001.



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W.P.(MD) No.7396 of 2017 & 24957 of 2018

MUMMINENI SUDHEER KUMAR, J.

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**W.P.(MD) No.7396 of 2017 & 24957 of
2018
and
W.M.P.(MD) Nos.5794 of 2017 &
22614 of 2018**

25.04.2025