

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).27023/2011

(From the judgement and order dated 11/05/2011 in WC No.27425/2011 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

ORIENT CERAMICS & INDUSTRIES LTD. Petitioner(s)

VERSUS

PARMANAND RAI Respondent(s)

(With appln(s) for under Section 17-B of the I.D. Act and for disposal ogf I.A. No. 2 filed under Section 17-B of the Industrial Disputes Act, 1947 and with prayer for interim relief and office report))

Date: 01/10/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s) Mr. K.V.Viswanathan, Sr. adv.
Mr. Ranjit Shaarma, Adv.
Mr. Aasim Bhatt, Adv.
Mr. Debasis Misra,Adv.

For Respondent(s) Mr. Nitin Bhardwaj,Adv.
Mr.A jit Kumar, Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.
The appeal is disposed of in terms of the signed order.

| | | | |
|-----------------|--|---------------|--|
| (Shashi Sareen) | | (Veena Khera) | |
| Court Master | | Court Master | |

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 7178 OF 2012
(Arising out of SLP(C) No. 27023 of 2011)

| ORIENT CERAMICS & INDUSTRIES LTD. | ... | Appellant(s) |

| Versus |

O R D E R

Leave granted.

This appeal arises of an order passed by the High Court of Judicature at Allahabad whereby Civil Writ Petition No. 27425 of 2011 has been dismissed and the award made by the Labour Court in favour of the respondent-workman upheld. The Labour Court had pursuant to a reference made to it come to a definite conclusion that the appellant employer had violated the provisions of Section 6 N of the Uttar Pradesh Industrial Disputes Act, 1947 while terminating the services of the respondent workman. The Labour Court had accordingly directed reinstatement of the respondent with 50% back wages. Writ Petition 27425 of 2011 filed by the appellant to assail the award having failed, the appellant has challenged the order passed by the High Court as also the award of the Labour Court in the present appeal.

When the matter came up before us on 14.10.2011 we directed the appellant to deposit a sum of Rs. 4,00,000/-

within two weeks and stayed the operation of the impugned award subject to the said deposit. It is common ground that the amount so directed has been deposited by the appellant. The matter eventually came up before us for hearing on 24.09.2012 when it was heard at some length but at the request of learned counsel for both the parties the same was adjourned to 28.09.2012 to enable the parties to explore the possibility of an some settlement. On 28.09.2012, learned counsel for the parties submitted that the parties had agreed to full and final settlement of the dispute upon payment of a sum of Rs. 8,00,000/- by the appellant to the respondent workman in lieu of back wages and the claim for reinstatement.

Mr. K.V.Viswanathan, learned senior counsel for the appellant submits on instructions that apart from the amount of Rs. 8,00,000/- the respondent workman is also entitled to a further sum of Rs, 46,330/- towards gratuity and leave salary as on 10.08.2011 and that the appellant would have no objection to the payment of the said amount also over and above the principal amount of Rs. 8,00,000/- which has been settled between them to give quietus to the entire controversy.

In the circumstances, therefore, we allow the parties to settle the dispute on the terms mentioned above in substitution of the order passed by the Labour Court as affirmed by the High Court. We direct that out of the amount settled by the parties Rs. 4,00,000/- deposited by

the appellant pursuant to the direction issued on 14.10.2011 shall be released in favour of the respondent workman together with interest that may have have accrued on the said amount. In addition the appellant shall by a demand draft pay a further sum of Rs. Rs. 4,46,330/- to the respondent workman. This payment taking the total of the principal amount to Rs. 8,46,330/- (excluding interest earned on the deposit of Rs. 4,00,000/-) shall be in full and final settlement of all the claims which the respondent workman may have against the appellant on account of the award made by the Labour Court as also the termination benefits admissible under the applicable law. We further direct that over and above the amount of Rs. 8,46,330/- and the accrued interest as indicated above the respondent workman shall also be entitled to recover from the concerned Trust the entire provident fund amount deposited as on 10.08.2011 with all interest and other benefits otherwise admissible to the respondent on the said provident fund. The appellant shall in that connection sign all forms and documents to enable the respondent to take benefit of the fund in question.

Upon payment of the amount of Rs. 4,46,330/- by the appellant to the respondent within four weeks, the award passed by the Labour Court in favour of the respondent shall stand fully satisfied and the writ petition as also the present appeal disposed of as fully and finally settled with matter party having any further claims against each other.

Mr. Viswanathan, Adv. states that a criminal complaint has also been filed by the respondent-workman against some of the officials of the appellant company. Learned counsel appearing for the respondent submits that in view of the amicable settlement arrived at between the parties the said complaint shall also be withdrawn by the complainant respondent no sooner the bank draft of Rs. 4,46,330 is handed over to him. That assurance is recorded and the appeal disposed off on the above terms. No costs.

.....J.
(T.S.THAKUR)

.....J.
(FAKKIR MOHAMED IBRAHIM KALIFULLA)

New Delhi,
October 01, 2012