

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 5196 of 1998

Between:

The Management of Mahindra Nissan Allwyn
Limited, Presently Mahindra & Mahindra Ltd.,
Automotive Divison Rep. by its Deputy General Manager,
Operations.

..... PETITIONER

AND

1. The Presiding Officer,
Labour Court-II, Chandra Vihar,
M.J.Road, Hyderabad.
2. R.Sailu, S/o.Laxman,
28 years, R/o.Zaheerabad Mdl.
Medak District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records pertaining to the Award dated 09-12-1997 in I.D.No.123 of 1993 passed by the learned First Respondent published under Section 17 of the Industrial Disputes Act, 1947 on 19th January, 1998 vide G.O.R.T.No.3313, dated 29-12-1997

and quash the same by issuance of writ of Certiorari or any other appropriate writ, order or direction in so far as it directs the re-instatement of the Second Respondent into Services with continuity of Service, 50% back-wages and besides Rs.500/- towards costs.

Counsel for the Petitioner : MR.M.RADHA KRISHNA MURTHY

Counsel for the Respondent No.2 : MR.Y.JAGAN MOHAN

The Court made the following :

THE HON'BLE MR JUSTICE C.V.RAMULU

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ORDER:

The matter had come up on 26-07-2004 and 27-07-2004. In the middle of the arguments, the parties have agreed for settlement and on instructions, Sri Radha Krishna Murthy, Counsel for the petitioner-Management submits that the Management is ready to pay a total compensation of Rs.75,000/- which is inclusive of all the terminal benefits such as gratuity etc., However, the Provident Fund which is accrued to the account of the 2nd respondent-workman till- date will be settled and paid as per law. The learned counsel for the petitioner, further, states that the wife of the 2nd respondent had obtained decree and the salary of the workman was being paid under Section 17 (B) of the Industrial Disputes Act, 1947 during the pendency of the writ petition.

Learned counsel for the 2nd respondent-workman also, on instructions, submits that his client is satisfied with the amount offered by the Management and he is ready for the settlement.

Recording the above submissions made on either side, the writ petition is closed. In view of the decree passed by Civil Court in favour of the wife of the 2nd respondent-workman, every month an amount of Rs.600/- is being deducted from the salary of the 2nd respondent. Therefore, the petitioner is at liberty to inform about the order of this Court and seek appropriate orders from the Civil Court, as regards the amount being deducted from his salary. The whole exercise shall be done within a period of two weeks from the date of receipt of a copy of this order.

KVR 30th July 2004

To

1. The Presiding Officer,
Labour Court-II, Chandra Vihar,
M.J.Road, Hyderabad.
2. Two C.D.copies.