

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 11343 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO. 35215 OF 2016]

THE GENERAL MANAGER - OPERATIONS CHENNAI
CONTAINER TERMINAL PVT LTD & ANR.

Appellant(s)

VERSUS

K. THIRUTHANIKUMARAN & ANR.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The appellants are before this Court, aggrieved by the order dated 03.11.2016, passed by the High Court of Judicature at Madras in Writ Appeal No. 623 of 2016. The issue pertains to the disputes between the respondent-workman and the appellant-Management.

3. Though this case has a chequered history, in the nature of the order we propose to pass, it is not necessary to refer to all those aspects, particularly having been benefitted by the mediated assistance rendered by Mr. Sanjay Parikh, learned counsel, who graciously accepted

the request made by the Court.

4. The relationship between the respondent-workman and the appellant-Management has not been smooth and it has been strained to the extent that the Management finally terminated the respondent-workman from service. There are several disputes with regard to his termination and one case, being OS No. 242 of 2016 is now pending before the City Civil Court at Chennai and the proceedings under the Industrial Disputes Act are also said to be pending before the Conciliation Officer.

5. Having regard to the fact that the respondent-workman is only around 45 years and he is able to work elsewhere and having regard to the background of the strained relationship between the parties, we are of the view that it is in the interests of both the parties to give a quietus to the disputes. We are informed that towards the gratuity and provident fund, the respondent-workman is entitled to get an amount of Rs. 9.10 Lakhs. Now, when the employer-employee relationship is coming to an

end once and for all, we are of the view that the respondent-workman should also be appropriately compensated.

6. Having heard the learned counsel appearing on both sides and having heard Mr.Thiruthanikumaran, the respondent-workman, who is present before us, we are of the view that in full and final settlement of the entire claims of the respondent-workman, the appellant - Management should pay an amount of Rs.25,00,000/- (Rupees Twenty Five Lakhs). This payment is inclusive of the gratuity and provident fund or any other claim of the respondent. In other words, the respondent-workman shall not be entitled to raise any further claim on any counts from the appellant-Management.

7. In view of the order passed above, it is not necessary to continue the civil suit, being O.S.No. 242 of 2016, pending before the City Civil Court, Chennai, which is, accordingly, struck off from its files. The Registry shall communicate a copy of this Judgment to the City Civil Court, Chennai forthwith.

8. The pending proceedings between the parties under the Industrial Disputes Act or any other forum shall also stand terminated. We direct both the parties not to indulge in any other litigation, either civil or criminal, in respect of the employer-employee relationship without the leave of this court.

9. Towards the litigation expenses, the respondent-workman shall also be entitled to a further amount of Rs. 50,000/- (Rupees Fifty Thousand). Hence, the total amount of Rs.25,50,000/- (Rupees Twenty Five Lakhs and Fifty Thousand) will be credited to the bank account of the respondent-workman within 10 days from today.

10. With the above observations and directions, this appeal is disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

New Delhi;
September 07, 2017.

ITEM NO.14

COURT NO.5

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 35215/2016

(Arising out of impugned final judgment and order dated 03-11-2016 in WA No. 623/2016 passed by the High Court Of Judicature At Madras)

THE GENERAL MANAGER - OPERATIONS CHENNAI
CONTAINER TERMINAL PVT LTD & ANR.

Petitioner(s)

VERSUS

K. THIRUTHANIKUMARAN & ANR.

Respondent(s)

Date : 07-09-2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. K. V. Vishwanathan, Sr. Adv.
Mr. R. Anand Padmanabhan, Adv.
Mr. Romil Pathak, Adv.
Ms. Ananya Mukherjee, Adv.
Mr. Shashi Bhushan Kumar, AOR

For Respondent(s) Dr. Sumant Bharadwaj, Adv.
Mr. Ajit Kumar Gupta, Adv.
Mr. Manoj Kumar, Adv.
Ms. Mridula Ray Bharadwaj, AOR

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

Leave granted.

The appeal is disposed of in terms of the signed
non-reportable Judgment.

Pending interlocutory applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)