

CASE NO.:
Appeal (civil) 5095 of 2006

PETITIONER:
M/s. Wheels India Ltd

RESPONDENT:
Shanker Lal & Anr

DATE OF JUDGMENT: 17/11/2006

BENCH:
Dr. AR. LAKSHMANAN & ALTAMAS KABIR

JUDGMENT:
JUDGMENT

(@ SLP(C) No. 15838 of 2005)
WITH
CIVIL APPEAL NO. 5096 OF 2006
(@ SLP(C) No. 15848 of 2005)

Dr. AR. Lakshmanan, J.
Leave granted. Heard both sides.
The appellant in these appeals are M/s. Wheels India Ltd. and the respondents, namely, Shanker Lal and Om Prakash are employees of the appellant. Notice was ordered in these matters on 16.8.2005. During the pendency of the proceedings in this Court, both the respondents-workmen in these appeals have amicably settled the disputes with the Management. The settlement and the receipts issued by the respective workmen were placed before the Assistant Labour Commissioner, District Panchayat Premises, Court Road, Moradabad. The various issues and the terms arrived at the settlement are as under:

"Statement of the Dispute

Due to the failure of Conciliation between M/s Whels India Ltd. Tada Badali, Rampur and Workman Shri Om Prakash S/o Shri Ghasiram, before the Conciliation Officer regarding the dispute of termination of the services vide letter dated on 22.2.2001, the dispute was referred to Labour Court, Rampur for its adjudication. The Court decided the case vide Case No.101/2001 dated 13th May, 2002 and passed an award which was published on 20.9.2002. It was held in the Award that the termination of services dated 22.2.2001 is against the law and held that the employee should be reinstated on his post and wages from the date of joining should be given. The employer has filed a writ petition challenging the award in the Hon'ble Court, which was dismissed by the Hon'ble Court. Thereafter in order to maintain industrial peace, both the parties held talks on various issues and arrived at a settlement on the following terms :

1 The workman informed the Labour Court that at the time of termination he was getting Rs.4100/- PM as wages that he was in the service of the management from 1.10.1986.

2 The workman due to some personal

reasons did not want to continue his job in the office and the same was informed to the management and the management has no objection to this.

3 Keeping in view the regular service of the workman, the management is agreeable to pay him gratuity and as per the terms of the award, the total amount of earned wages, and earned leave due from the dt. of publication of award.

4 That the Management is paying to the workman vide cheque No.0209181 dt.6.9.05, cheque No.0209182 dt.6.9.05 and cheque No.0209183 dt.6.9.05 a total amount of Rs.4,95,000/- (Rupees Four Lakh Ninety Five thousand only) which is inclusive of Gratuity, earned leave and wages from the date of publication of the Award till this day dt.6.9.2005.

5 That on the said paid amount approx. 1,44,000/- (one lakh forty four thousand only) of income tax is payable as per rules and employer is ready to deposit the said income tax amount on his own and the employer shall issue a certificate in favour of the workman in relation to income tax on payment of income tax.

6 That after the said payment, the relationship of employer and employee between the parties shall cease and that no other dues of the management, towards the workman area payable.

7 That in accordance to this settlement all the disputes between the parties have been fully and finally settled and that no other dispute remains between the parties.

8 That all the parties are ready to sign on the settlement paper under the U.P.I.D. Act before the conciliation Officer so that it is applicable on both the sides according to law.

9 That the management shall not press the SLP filed by them in the Hon'ble Supreme Court.

Sd/- Om Prakash
Upadhyaya
S/o Ghasiram
AD
R/o Balmiki Colony,
Ltd.
Civil Lines, Rampur,
Workman

Sd/ Rakesh
Manager Personal &
M/s Wheels India
Dist.Rampur

Witness of the Settlement

1 Dr. Jafer Ali S/o Sh.Mohd.Jan
R/o Mohd Kazi Pura Tada Badali
Dist.Rampur

2 Shri Mohd.Ashlam
S/o Shri Ahamad Khan
R/o Tadu Ka Mazara

PO Danpura
Dist.Rampur

3 Shri Mohd.Farook & Advocate
Chamber No.374 District Court
District Moradabad

Certified that both the parties have signed the
above said settlement before me today dated
6.9.2005.

Sd/- B.K.SINGH
Asstt.Labour Commissioner
Moradabad Area, Moradabad

Even though show cause notice was sent to the workmen
in both the matters, they have not entered appearance
either in person or through their counsel. Now as the
settlement has already been reached between the parties
and that the workmen have received all the amounts by
Cheques, we are of the opinion that there is no need to keep
the matter pending on the file any further.

We, therefore, while recording the settlement arrived at
between the parties, dispose of the above appeals in terms
of and as per settlement. Both the settlements will form
part of the judgment and decree. No costs.