

INDUSTRIAL COURT OF MALAYSIA

CASE NO: 27/4-1206/06

BETWEEN

ENCIK NERMAL SINGH A/L AMAR SINGH

AND

FEDERAL EXPRESS SERVICES (M) SDN BHD

AWARD NO: 2104 OF 2008

BEFORE : **Y.A. DATO' MARY SHAKILA AZARIAH**
- CHAIRMAN (Sitting Alone)

VENUE : Industrial Court, Kuala Lumpur

DATE OF REFERENCE : 15 Mac 2006

DATE OF MENTION : 10 July 2006, 11 September 2006,
19 October 2006, 9 March 2007,
9 May 2007, 7 January 2008,
12 May 2008, 4 August 2008,
28 November 2008 and 5 December 2008

DATE OF HEARING : 9 June 2008, 10 June 2008
and 30 October 2008

REPRESENTATION : Y.Bhg. Dato' V. Sivaparanjothi and
Encik T. Nayagam of Messrs V. Siva
and Partners, Counsel for Claimant.

Encik David Peter of Messrs Jerald Gomez
& Associates, Counsel for Company.

REFERENCES:

This case is a reference under Section 20(3) of the Industrial Relations Act 1967, arising from the dismissal of **Encik Nermal Singh a/l Amar Singh** (hereinafter referred to as "the Claimant") by **Federal Express Services (M) Sdn. Bhd.** (hereinafter referred to as "the Company") on 18 February 2005.

AWARD

This reference stems from the dismissal of Encik Nermal Singh a/l Amar Singh (“the Claimant”) by Federal Express Services (M) Sdn. Bhd. (“the Company”) on 18 February 2005.

The matter has been part-heard on 9 June 2008 and 10 June 2008. It was fixed for mention thereafter for parties to negotiate an out-of-Court settlement. On 5 December 2008 when the matter was mentioned both Solicitors for the Claimant and Company informed Court that a settlement had been reached and intimated their terms of settlement to the Court and requested that their said terms be incorporated into the Award to be handed down by the Court

Accordingly, the Court orders that:-

- (1) Without admission to liability and by consent the Company agrees to pay the Claimant an *ex-gratia* sum of RM275,000 only in full and final settlement of the Claimant’s claim against the Company in respect of his dismissal.

- (2) The said sum of RM275,000 as agreed shall be paid in one (1) lump sum within 30 days from the date of this Award to the Claimant through his Solicitors Messrs. V. Siva and Partners.
- (3) Upon receipt of the said sum of RM275,000 the Claimant undertakes to have no further claims against the Company arising out of his employment with them.

HANDED DOWN AND DATED THIS 9 DAY OF DECEMBER 2008

(DATO' MARY SHAKILA AZARIAH)
CHAIRMAN
INDUSTRIAL COURT, MALAYSIA
KUALA LUMPUR