

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C.) No. 11153/2009 and C.M. No. 10546/09 (for stay)**
% **Date of Decision: 26th August, 2009**
M/S A.M.F. EXPORTS PETITIONER
! Through: Mr. Raju Gupta, Advocate.
VERSUS
\$ HIMMAT SINGH & ANOTHER RESPONDENTS
^ Through: Nemo.

CORAM:
Hon'ble MR. JUSTICE S.N. AGGARWAL

1. Whether reporters of Local paper may be allowed to see the judgment? **NO**
2. To be referred to the reporter or not? **NO**
3. Whether the judgment should be reported in the Digest? **NO**

S.N.AGGARWAL, J (ORAL)

The management in this writ petition seeks to challenge an award dated 12.03.2008 passed by the Industrial Adjudicator directing reinstatement of respondent No. 1 with full back wages.

2. Heard.
3. The respondent No. 1 had worked with the petitioner management as Store Keeper from 07.06.1998 to 26.08.2003. His services were allegedly terminated by the petitioner management w.e.f. 26.08.2003. Aggrieved by his termination, the respondent No. 1 had filed a statement of claim under Section 10(2A) of the Industrial Disputes Act, 1947 before the Labour Court for his reinstatement with back wages. The management in its reply to the claim of the petitioner has taken a plea that the respondent No. 1 was discharged from its service as the

management had lost confidence in him because of certain discrepancies noticed by the management in the store handled by respondent No. 1. However, during evidence, the management had introduced two documents Ex. MW-1/1 and Ex. MW-1/2 dated 05.07.2003 and 14.08.2003 to show that the respondent No. 1 had refused to sign the salary register after receiving salary for the months of July and August 2003. These two letters Ex. MW-1/1 and Ex. MW-1/2 were neither referred in the written statement filed by the management in response to claim of the respondent No. 1, nor these documents were relied upon by the management in proceedings taken by the Conciliation Officer for bringing about an amicable settlement between the parties. On these admitted facts the Industrial Adjudicator has returned findings against the management that the services of the respondent No. 1 were illegally terminated and for that reason, directed his reinstatement with back wages.

4. Mr. Raju Gupta, learned counsel appearing on behalf of the petitioner, on being confronted with the above factual position, submits that the petitioner will settle the dispute with respondent No. 1 at its own level and he says that he does not want to press this writ petition.

5. In view of the above, this writ petition along with stay application, is dismissed as not pressed.

AUGUST 26, 2009
'bsr'

S.N.AGGARWAL, J