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% 23.05.2013

Present:

Advocate for the petitioner

Mr. Jitender Dewan, Advocate

Advocates for the respondent

Mr. Harvinder Singh for R-1,

Mr. Sanjeev Sahay for R-3&4

Ms. Rajiv Aneja for R-5&6

Mr. Satvik Varma for GNCTD

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W.P.(C) 1402/2013 with

W.P.(C) 2700/2011, W.P.(C) 2701/2011, W.P.(C) 2702/2011,

W.P.(C) 2703/2011, W.P.(C) 2704/2011, W.P.(C) 2705/2011,

W.P.(C) 2706/2011, W.P.(C) 2707/2011, W.P.(C) 2709/2011,

W.P.(C) 2710/2011, W.P.(C) 2712/2011, W.P.(C) 2713/2011,

W.P.(C) 2714/2011, W.P.(C) 2715/2011, W.P.(C) 2716/2011

ORDER

On 01.03.2013 in W.P.(C.) No.1402/2013, which is one of the matters in this batch of writ petitions, the following order was passed:

"The petitioners have preferred this writ petition to assail the order passed by respondent No.8, the Conciliation Officer on 08.10.2010 thereby registering the settlement allegedly arrived at between the Management and the petitioners at Serial No.137 of the Register of Settlements. The background of the said settlement is that the Industrial Tribunal-I passed an award on 05.06.2009 in respect of a large number of workmen including the petitioners holding the termination of their services as illegal and unjustified. They were directed to be reinstated in service with 75% of the last drawn salary as

backwages, and continuity of their services with the concerned management.

The workman are alleged to have arrived at the settlement which was registered by the Conciliation Officer at Serial No. 137 by the impugned order dated 08.10.2010.

The case of the petitioners is that the said settlement was, in fact, not implemented. Consequently, the petitioners are seeking the setting aside of the order dated 08.10.2010. The petitioners also seek the enforcement of the award dated 05.06.2009.

Prima facie, it appears to me that the aspect whether the settlement has been implemented or not, and the circumstances whereunder the same was arrived at are purely factual disputes and cannot be determined in writ jurisdiction.

Learned counsel for the petitioners seeks a short adjournment to make his submissions on this aspect.

At request, adjourned to 08.03.2013."

Learned counsel for the petitioner, in view of the aforesaid observations made by this Court, fairly states that these cases involve disputed questions of fact regarding the settlement terms and their breach by the respondent management, which cannot be determined in the present writ petition and, therefore, seeks to withdraw the writ petitions with liberty to prefer such other remedy as may be available to the petitioners.

In view of the aforesaid, the writ petitions and the pending applications are dismissed as withdrawn with liberty as prayed for.



VIPIN SANGHI, J

MAY 23, 2013

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