

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA-780-2015

Decided on : 28.08.2015

**Otis Elevator Company
(India) Ltd. and another**

.... Appellants

VERSUS

Guru Ram and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
 HON'BLE MS. JUSTICE SNEH PRASHAR**

Present: Mr.Saurabh Parkash, Advocate, for the appellants.

Mr.Pritam Saini, Advocate, for the respondents.

RAJIVE BHALLA, J. (ORAL)

M/s Otis Elevator Company (India) Ltd. impugns judgment dated 07.04.2015, passed in CWP-18853-2013, ordering the reinstatement of respondent No.1 with full back-wages.

The appeal came up for hearing on 18.08.2015 when the following order was passed: -

“Counsel for the parties state that parties have resolved the issue, in hand, in the following terms: -

(a) The impugned judgment dated 07.04.2015, shall stand modified by deleting the direction to reinstate respondent No.1 subject to the appellant's paying an additional amount of Rs.8 lacs alongwith gratuity and provident fund due to respondent No.1.

(b) Respondent No.1 shall forthwith visit the office of the appellant at Chandigarh, fill all requisite forms and file all requisite application(s)/ affidavit(s) as may be necessary for the aforesaid purpose.”

Counsel for the appellants states that in compliance with the settlement recorded in order dated 18.08.2015, the appellants have brought a cheque bearing No.150496, for a sum of Rs.8 lacs towards compensation (Rs.3 lacs having already been paid), cheque

bearing No.469298, for a sum of Rs.2,31,040/- as full and final payment of gratuity and cheque bearing No.331619, for a sum of Rs.13,44,554/- as full and final payment of the provident fund, all drawn in the name of Guru Ram-respondent No.1. Counsel for the appellants prays that the award may be modified in terms of the settlement.

Counsel for respondent No.1 states on instruction from respondent No.1, who is present in Court, that he accepts the settlement, the compensation of Rs.8 lacs and has no objection if impugned order dated 07.04.2015, passed in CWP-18853-2013, is modified and instead of reinstatement and back-wages, respondent No.1 is held entitled to a compensation of Rs.11 lacs.

By way of the impugned order, respondent No.1 was ordered to be reinstated with full back-wages. The parties arrived at a settlement on 18.08.2015. The appellants have paid and respondent No.1 has received Rs.11 lacs as compensation (which includes Rs. 3 lacs received earlier and Rs.8 lacs received today), his entire gratuity and provident fund. Counsel for respondent No.1 has made a statement that respondent No.1 has no objection if order dated 07.04.2015, passed in CWP-18853-2013 is modified and instead of reinstatement and back-wages respondent No.1 is paid compensation.

Consequently, the appeal is partly allowed, the impugned order is modified to the extent that instead of reinstatement and back-

wages, respondent No.1 shall be and has been paid compensation of Rs.11 lacs, in lieu of salary/wages due over the last 5½ years. The appellants have also paid the entire gratuity and provident fund due to respondent No.1.

This order shall bring to an end all disputes pending between the parties including the execution petition.

[RAJIVE BHALLA]
JUDGE

28.08.2015
shamsher

[SNEH PRASHAR]
JUDGE