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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 198/2014

SURINDER SAWHNEY Appellant
Represented by: Mr.Bharat Bhushan Bhatia, Advocate

versus

SHRI UDESH & ORS Respondents
Represented by: Mr.M.Taiyab Khan, Advocate

W.P.(C) No.7099/2008

SURINDER SAWHNEY Appellant
Represented by: Mr.Bharat Bhushan Bhatia, Advocate

versus

SHRI UDESH & ORS Respondents
Represented by: Mr.M.Taiyab Khan, Advocate

CORAM:
HON'BLE MR. JUSTICE PRADEEP NANDRAJOG
HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER
% **10.02.2015**

CM No.3980/2014 in LPA No.198/2014

1. Notwithstanding that the facts disclosed in the application fall short of showing a sufficient cause to condone 867 days delay in filing the appeal, since consensus has emerged between the parties requiring the appeal as also the writ petition out of which the instant appeal arises to be disposed of, we condone 867 days in filing the appeal.

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By:AMULYA

2 CM No.3980/2014 is accordingly allowed.

LPA No.198/2014 & W.P.(C) 7099/2008

LPA No.198/2014 & W.P.(C) No.7099/2008

1. The writ petitioner lays a challenge to an ex-parte award dated January 13, 2004 against the appellant who appears to be carrying on business under the name and style of M/s. Indian Hand Fabs, F-89/5, Okhla, Phase-I, New Delhi-20.
2. The challenge in the appeal is to an order dated September 05, 2011 passed by the learned Single Judge disposing of CM No.11144/2010, invoking Section 17B of the ID Act, 1947, directing that last drawn salary/minimum wages, whichever is higher shall be paid by the appellant to the workman from the date of the award.
3. Under an order dated March 03, 2014 passed in the appeal, the appellant had deposited ₹10 lacs in this Court which was released to the five workmen. Each one of them has got ₹2 lacs.
4. It is agreed between the parties that the appellant shall deposit within two months from today in this Court further sum of ₹7.5 lacs, which shall be paid by the Registry to the five respondent workmen in equal proportion i.e. each workman would be paid ₹1.5 lacs.
5. Upon payment of said sum, the impugned order passed by the learned Single Judge on September 05, 2011, review whereof was declined vide order dated November 11, 2011, shall be set aside. The writ petition shall be treated as having been disposed of setting aside the ex-parte award dated January 13, 2004 resulting in revival of ID No.1042/1996.
6. As agreed between learned counsel for the parties it is directed that ID No.1042/1996 shall be listed for directions before the Presiding Officer of the concerned Labour Court on April 20, 2015. The learned Presiding Officer of the Labour Court shall verify whether the appellant has complied with the additional order passed today by consent, and if it is found that the

appellant has complied with the order passed by consent today, ID No.1042/1996 shall be decided on merits after giving time to the appellant to file a reply to the statement of claim filed by the workmen.

7. It is agreed between learned counsel for the parties that if compliance is not made with the consent order passed today in Court the appeal as also the writ petition filed by the appellant would be treated as having been dismissed.

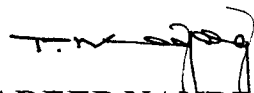
8. Ordered accordingly.

9. The appeal and the writ petition, file whereof has been summoned in Court today and has been got listed with consent of parties, are disposed of.

10. No costs.

CM No.3979/2014

Dismissed as infructuous.


PRADEEP NANDRAJOG, J.


PRATIBHA RANI, J.

FEBRUARY 10, 2015

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