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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 1875/2015 & CM 3358/2015

M/S BABAJI SHAKTI CARGO MOVERS (P) LTD.

..... Petitioner

Through Mr T.K. Tiwari, Adv.
versus

SURESH CHAND MAHANDAWARIA & ANR

..... Respondent

Through Mr Atul T.N. alongwith respondent –
workman in person

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

O R D E R

% 15.02.2016

Vide this petition under Article 226 of the Constitution of India, the petitioner seeks quashing of an ex parte award dated 07.11.2012 passed by learned Presiding Officer, Labour Court in LIR No.294/2012 vide which the respondent no.1 - workman was directed to be reinstated with full back-wages and continuity of service.

During the pendency of the proceedings, the parties have arrived at a settlement pursuant to which the petitioner agreed to pay a sum of Rs.1,50,000/- in respect of all the claims of the respondent no.1 – workman against the petitioner company relating to back-wages and reinstatement and continuity of service.

Pursuant to the settlement, the respondent no.1 – workman has already received the aforesaid amount on 04.02.2016 and gave a receipt-cum-undertaking stating therein that the aforesaid amount is in full and final settlement of all his claims against the company and the execution proceedings pending before the Metropolitan Magistrate, Patiala House Courts, New Delhi is also satisfied. Over and above the aforesaid amount of Rs.1,50,000/-, he has also received a sum of Rs.10,000/- towards litigation expenses as per the order dated 29.10.2015.

Under the circumstances, in view of the settlement arrived at between the parties, the award dated 07.11.2012 passed by learned Presiding Officer, Labour Court in LIR No.294/2012 granting reinstatement and back-wages and continuity of service to the respondent no.1 – workman stands modified to a lumpsum amount of Rs.1,50,000/-

which stands already paid to workman.

It is submitted by counsel for the respondent no.1 – workman that provident fund form will be sent to the petitioner which has to be signed by the petitioner so that the respondent no.1 may get his provident fund amount. Learned counsel for the petitioner assures that the needful will be done in accordance with law.

In view of the settlement arrived at between the parties, the petition stands disposed of accordingly.

Pending CM also stands disposed of.

Dasti.

SUNITA GUPTA, J

FEBRUARY 15, 2016/*rd*