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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5909/2012
INDIA BULLS FINANCIAL SERVICES LTD Petitioner
Through: Mr. M.P. Sinha, Mr. Sidhant Aeron
and Mr. Lalit Tiwari, Advocates
versus

GOVT. OF NCT OF DELHI AND ANR Respondents
Through: Ms. Neha Rastogi and Mr.
Animesh Rastogi, Advocates for
respondent No.1
Mr. P.N. Dwivedi, Advocate for
respondent No.2

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
% 27.05.2016

**W.P.(C) 5909/2012 & CM APPLN. 20826/2016 (u/O 23 Rule 3 r/w
Section 151 CPC)**

By way of this joint application, disposal of the main writ petition is sought by the parties in terms of an out of court settlement arrived between them.

With the consent of both the sides, this application is taken up along with the main petition, whose hearing is pre-poned for today. The earlier date of 11th July, 2016 fixed in the main petition is hereby cancelled.

Impugned Award of 21st March, 2011 directs reinstatement of respondent-workman with full back wages, which is under challenge in

this writ petition.

Upon notice of the present application i.e. C.M. 20826/2016, learned counsel for respondent No.2-workman submits that respondent No.2 is present in the Court and is duly identified to be the workman by him and that he has already sworn in an affidavit in support of this application.

Today, a cheque of ₹1,45,000/- bearing No.179491 dated 9th May, 2016 favouring Deepak Kumar has been handed over to respondent No.2-workman in lieu of reinstatement with full back wages and the same has been duly accepted by respondent No.2-workman. Respondent No.2-workman states that he has compromised with his free will. The cheque has been handed over by petitioner's counsel to respondent No.2-workman with the understanding that this cheque would not get dishonoured and in any case, if there is any hurdle to its encashment, the same would be cleared by petitioner immediately and for the delay, if any, penal interest @ 18% per annum would be payable to respondent No.2-workman on the cheque amount.

On the aforesaid undertaking, respondent No.2 accepts the cheque of ₹1,45,000/- and submits that the impugned Award be accordingly modified.

In view of the above, this petition and the present application are disposed while substituting the relief of reinstatement with full back wages with the compensation of ₹1,45,000/-, which has already been paid to respondent No.2-workman. It is made clear that if for any reason whatsoever, the cheque for compensation amount is not honoured, then the same would be got revalidated by petitioner promptly and if any delay

takes place, then interest @ 18% per annum would be payable for the delay period.

While entertaining this petition, petitioner was directed to deposit the awarded amount with the Registrar General of this Court, which the petitioner had done. Respondent No.2-workman states that he has no objection if the awarded amount so deposited by petitioner in the form of FDR is released to petitioner with interest accrued thereon.

It is ordered accordingly.

This petition and the present application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

MAY 27, 2016

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