

\$~5

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

LPA 460/2014

K K MATHUR (NOW DEAD) & ORS. Appellant

Through Mr. K.N. Rai, Advocate

versus

UNION OF INDIA & ORS.

..... Respondent

Through Mr. Anuj Aggarwal, Advocate for
UI

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

%

19.07.2016

CM 10817/2014 (delay of 165 days in re-filing the appeal)

Respondent No.3 has been served but there is no appearance on his behalf. Having heard counsel for the appellant and for the reasons stated, we are inclined to condone the delay of 165 days in re-filing of the Letters Patent Appeal.

Application is allowed.

LPA 460/2014

After some hearing and when we were dictating the order, learned counsel had sought pass over to take instructions.

Learned counsel for the appellants submits that in view of disputed facts and contentions, he would withdraw the present appeal with liberty to initiate proceedings under the Industrial Disputes Act as the primary grievance raised by him is that the because of the

threats, the appellant were forced and compelled to sign the VRS. He submits that the judgment of the Single Judge should not be construed and read as ‘finally determining and deciding the said issue’.

In view of the statement made, the appeal is dismissed as withdrawn with liberty as prayed for. We clarify and observe that the impugned judgment / order would not to be treated and regarded as determinative and deciding the question whether option exercised to avail the VRS was vitiated and invalid in law.

SANJIV KHANNA, J

SUNITA GUPTA, J

JULY 19, 2016

rs