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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5333/2015

BASAVARAJ S. MASALI

..... Petitioner

Through: Mr. Shankar Kr. Jha and Mr. Rajesh
Raina, Advocates.

versus

CHAIRMAN & MD IRCON INTERNATIONAL LTD & ORS.

..... Respondents

Through: Mr. A.P. Nagrath, Advocate for Ircon
International.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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25.11.2016

1. On 25.5.2015 at the time of admission of this writ petition, the following order was passed:-

“1. In this writ petition, there are a total of 10 claims which are made by the writ petitioner with respect to the dues claimed by the petitioner under different heads and for different periods.

2. Except the relief claimed with respect to disentitlement of the employer/respondent no.1 to make recovery/adjustment, counsel for the petitioner states that for such other claims a suit in an appropriate court of jurisdiction will be filed for recovery of amounts which are claimed by means of different claims which are made

in the writ petition, and therefore qua these claims except the claim of the petitioner of disentitlement of the employer to make recovery/adjustment, petition is allowed to be withdrawn with liberty to the petitioner to file a suit in a competent court of law.

3. So far as the claim of the petitioner that respondent no.1 should not have adjusted dues from petitioner's service benefits, let notice be issued to the respondents on filing of process fee both in the ordinary method as well as by registered AD post, returnable before the Registrar on 12th August, 2015."

2. The order dated 25.5.2015 shows that only a limited notice was issued in the writ petition with respect to the disentitlement of the respondent no. 1 to adjust any dues of the petitioner from the petitioner's service benefits.

3. Respondent no. 1 has already paid an amount of Rs.5,34,054/- against gratuity, Rs.8,816/- against leave encashment, Rs.24,224/- against encashment of half pay leave and Rs.19,694/- against GSLI Insurance. The respondent no. 1 is not taking up the case that it has adjusted any amount payable to the petitioner with any dues of the petitioner against the respondent.

4. Therefore, if there is an issue of any further payment or less payment or grant of interest, the said aspects cannot be the subject

matter of this writ petition in view of the order dated 25.5.2015 which has become final.

5. The present writ petition is accordingly disposed of with liberty granted to the petitioner as already stated in the order dated 25.5.2015.

VALMIKI J. MEHTA, J

NOVEMBER 25, 2016

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