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

\+ W.P.(C) 6893/2015, C.M. NOS. 12707/2015 & 12708/2015

R. J. SINCLAIR ..... Petitioner

Through : Sh. Varun Arora, Advocate.

versus

THE GRINDLAYS BANK EMPLOYEES URBAN COOPERATIVE T & C SOCIETY LTD . & ORS. ..... Respondents

Through : Appearance not given.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MS. JUSTICE DEEPA SHARMA

O R D E R

% 15.01.2016

The petitioner is aggrieved by the order of the Delhi Cooperative Tribunal [hereafter "the Tribunal"] dated 18.06.2009. The petitioner was an employee of the Grindlays Bank [hereafter "the bank"]. He was enrolled as a member of the Grindlays Bank Employees Urban Cooperative Thrift and Credit Society Limited, the first respondent [hereafter "the Society"].

The petitioner's services were terminated and his employer – i.e. Grindlays Bank issued a No Dues Certificate ["NOC"] and at the same time paid all the terminal dues. The Society claimed that as its member, the petitioner owned ₹1.5 lakhs and demanded the said amount. On the petitioner's failure to fulfil the demand, the Society initiated proceedings under Section 70 of the Delhi Cooperative Societies Act, 2003 [hereafter "2003 Act"] which led to a reference.

The petitioner went unrepresented in the proceedings before the Arbitrator for the purpose of deciding the dispute. An *ex-parte* award was rendered on 18.06.2009 upholding the Society's claim. The petitioner, claiming to be aggrieved, approached the Tribunal, which by the impugned order, rejected his plea. It is urged by the petitioner that given the fact that his erstwhile employer, i.e. the Grindlays Bank had issued an NOC, there could not be any liability on the petitioner's part. It was urged that the Arbitrator overlooked these circumstances and rendered an *ex-parte* decision which was unjustifiably not interfered with by the Tribunal.

This Court has considered the impugned order of the Tribunal. The plea urged in these proceedings was urged by the petitioner before the appellate proceedings as well. The Tribunal held – quite correctly – that the issuance of NOC by the bank did not discharge the petitioner of the liability to make good any outstanding payments he owed to the Society. There is absolutely no ground to interfere with the Tribunal's reasoning on this score.

For the above reasons, this Court is of the opinion that the petition is unmerited. The writ petition is accordingly dismissed.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

JANUARY 15, 2016
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