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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 13632/2004**
PALAM JAIN EDN.& WELFARE SOCY. Petitioner
Through Mr. Onkar Prasad, Advocate

versus

KRISHAN MOHAN Respondent
Through None.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% 18.09.2017

Vide proceedings dated 11.07.2017, the matter had been referred to the Delhi High Court Mediation and Conciliation Centre. The settlement agreement dated 18.08.2017 is on the record.

It has been submitted by the learned counsel for the petitioner that in terms of the Clause 6a. of the said agreement settlement, a sum of Rs.1,51,000/- has already been paid to the respondent vide demand draft, copy of which is on the record.

To come up at 2.15 p.m.

ANU MALHOTRA, J

SEPTEMBER 18, 2017/mk

At 2.15 p.m.

Mr. Onkar Prasad, learned counsel for the petitioner
Mr. Sourabh Sharma, learned counsel for the respondent

Vide the present petition, the petitioner assails the impugned Award dated 28.01.2004 of the POLC V, Karkardooma Courts, Delhi in I.D. No. 61/2000 whereby the workman, arrayed as respondent to the present petition, had been directed to be reinstated with 50% of the back wages and with no order as to costs.

During the course of the proceedings, the matter had been referred to the Delhi High Court Mediation and Conciliation Centre vide order dated 11.7.2017 to explore the possibility of settlement and a settlement has been arrived at between the parties.

As per the settlement agreement dated 18.08.2017, the petitioner had agreed to pay a sum of Rs.1,51,000/- to the workman by way of Demand Draft / Banker's cheque on 21.08.2017 before the Mediator as full and final payment towards all the dues present, past and future, and vide para 6(b) of the said agreement settlement, it has been agreed between the parties that the amount deposited by the first party i.e. the petitioner herein with the Registrar General of this Court vide order dated 16.08.2004 would be released along with the interest accrued thereon to the petitioner and that the petitioner would not have any claim of whatsoever nature in the said deposited amount.

As per the record and in terms of the order dated 16.08.2004, a sum of Rs.35,000/- had been deposited by the petitioner with the Registry apart from a sum of Rs.5,000/- towards litigation expenses to be paid to the workman. The sum of Rs.5,000/- towards litigation expenses has already been withdrawn by the workman.

Learned counsel for the petitioner and learned counsel for the

respondent whose vakalatnamas are on the record submit that the sum of Rs.1,51,000/- has already been paid by the petitioner to the respondent vide DD no. 035106 dated 19.08.2017 drawn in the name of the respondent workman, copy of which is annexed as Annexure-A, which is stated to have admittedly been received by the respondent.

It has also been submitted on behalf of the respondent by the counsel present that in terms of the clause-6(b) of the mediation agreement dated 18.08.2017 that the respondent has no opposition to the release of Rs.35,000/- deposited by the petitioner in terms of the order dated 16.08.2004 in the present writ along with the interest accrued thereon to the petitioner and that there are no further claim left between the parties.

In view of the submissions made by the learned counsel of either side and in view of the settlement agreement dated 18.08.2017 on record, it is apparent that the settlement has been arrived at between the parties voluntarily and accordingly, the settlement agreement dated 18.08.2017 is accepted and the amount deposited by the petitioner to the tune of Rs.35,000/- in terms of the order dated 16.08.2004 along with the interest accrued thereon is allowed to be released to the petitioner.

No further claim survives in the present petition and the petition is disposed of accordingly.

Copy of the other be given *dasti*.

ANU MALHOTRA, J

SEPTEMBER 18, 2017/mk