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

+ W.P.(C) 6616/2008

PUNJAB NATIONAL BANK

..... Petitioner

Through: Mr.Jagat Arora, Mr.Rajat Arora,
Adv.

versus

AJAY KUMAR

..... Respondent

Through: Mr.Praveen Kumar Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **28.02.2017**

CM Appln. 9968/2015

1. The petitioner is seeking permission to withdraw this writ petition on the ground that the petitioner has reinstated the respondent w.e.f. 18th February, 2015 and has paid 25% of the backwages to the respondent in terms of the impugned award.
2. Learned counsel for the respondent submits that the petitioner has only made part payment of the 25% of the backwages and there is a short payment to the tune of Rs.46,705/-. Learned counsel for the respondent further submits that the respondent is entitled to Rs.4,89,961/- in terms of the order dated 20th August, 2014 under Section 17B of the Industrial Disputes Act.
3. Learned counsel for the petitioner disputes the monetary claim raised by the respondent in his affidavit dated 8th September, 2015 and submits that no further amount is payable to the respondent. Learned counsel further submits that the respondent has the remedy to recover the alleged amount in accordance with law and the writ petition be permitted to be withdrawn.

4. The writ petition is dismissed as withdrawn with liberty to the respondent to avail appropriate legal remedies to recover the outstanding amount, if any from the petitioner in accordance with law.
5. Learned counsel for the petitioner seeks refund of the amount deposited by the petitioner in terms of the order dated 10th September, 2008 on the ground that the petitioner separately paid 25% backwages to the respondent.
6. Learned counsel for the respondent opposes the refund of the said amount to the petitioner on the ground that the respondent's claim towards the backwages and the outstanding amount under Section 17B of the Industrial Disputes Act, 1947 is more than Rs.5 lakh whereas the petitioner has only deposited Rs.45,000/- with this Court. It is submitted that the respondent would be filing a contempt petition to recover the outstanding amount and therefore, the amount deposited by the petitioner be directed to be retained by the Registrar General in fixed deposit for a period of eight months. The Registrar General is directed to retain the amount deposited by the petitioner in fixed deposit for a period of eight months. The Registrar General shall disburse the amount, if any order is passed by the Competent Court during this aforesaid period. Otherwise, after the expiry of eight months, the Registrar General shall refund the amount to the petitioner.
7. Copy of this order be given dasti to counsel for the parties under the signature of the Court Master.

J.R. MIDHA, J.

FEBRUARY 28, 2017

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