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

+ LPA 426/2017 & C.M. Nos.21871-74/2017

RAJENDER SINGH & ORS

..... Appellant

Through: Ms. Amita Gupta, Zahid Hanief and
Ayush Gupta, Adv.

versus

JET AIR PVT LTD & ANR

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

31.05.2017

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The appellant has preferred the present appeal to assail the judgment dated 17.09.2014 passed in W.P. (C) No.4665/2012. A perusal of the impugned order shows that the writ petition was withdrawn by the petitioner/ appellant with liberty to approach the industrial tribunal. In this background, the writ petition was dismissed as withdrawn.

The submission of learned counsel for the appellant is that the award of the tribunal assailed in the writ petition should be set aside.

We cannot accept this submission. Since the writ petition was withdrawn, there was no question of setting aside the industrial award. It was not a case of the court setting aside the award upon finding an error therein and remanding the case back. The appeal is, accordingly, dismissed.

Since the appellant has already approached the tribunal in terms of the liberty sought and granted in terms of the impugned order, it shall be open to the appellant to assail the award that may be made by the industrial tribunal.

VIPIN SANGHI, J

DEEPA SHARMA, J

MAY 31, 2017

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