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

+ **FAO 509/2016**

M/S TIPCO ENGINEERING WORKS

..... Appellant

Through: Mr. Brijesh Gupta, Mr. Jagdish Sethi
and Mr. Pulkit Kanaujia, Advocates

versus

SURENDER RAM

..... Respondent

Through: Mr. R.S. Jena, Advocate
Mr. K.P. Mavi, Advocate as amicus
curiae with Mr. B.P. Mishra and Mr.
Vijay Kumar, Advocates and Mr.
Paramjit Singh, SSO, ESIC

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

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12.09.2017

1. After some hearing, the appellant present in Court along with his counsel agrees to pay Rs.3,75,000/- to the respondent without prejudice to his rights and contentions and without admitting any liability in this matter.
2. The respondent, present in Court along with his counsel, agrees to accept Rs.3,75,000/- (out of Rs.6,09,403/- deposited by the appellant with the Commissioner, Employees' Compensation) along with interest accrued thereon in full and final settlement of this matter. The respondent has no objection to the closure of the criminal case arising out of FIR No.412/2016, P.S. S.P. Badli, New Delhi.
3. The settlement between the parties is taken on record. This appeal is disposed of in terms of the settlement between the parties.
4. The Commissioner, Employees' Compensation is directed to

discharge the FDR No.36324902143 dated 15th December, 2016 for Rs.6,09,403/- and instruct State Bank of India to disburse Rs.3,75,000/- along with proportionate interest accrued thereon to the respondent in the following manner: -

- (i) Keep Rs.3 lakh in 30 FDRs of Rs.10,000/- each in the name of respondent for the periods 1 month to 30 months respectively with cumulative interest.
- (ii) The balance amount, after keeping Rs.3 lakh in FDRs, be released to the respondent by transferring the same to his savings bank account No.48750100010633, Bank of Baroda, Shahbad Daulatpur Branch, Delhi (IFSC: BARB0SHADAU).

5. The maturity amounts of the FDRs along with interest shall be transferred to the aforesaid savings bank account of the respondent with Bank of Baroda.

6. All the original FDRs shall be retained by State Bank of India, Tis Hazari Court Branch. However, the statement containing FDR number, FDR amount, date of maturity and the maturity amount be furnished to the respondent.

7. No loan or advance or pre-mature discharge shall be permitted without the permission of this Court.

8. No cheque book or debit card be issued to respondent without the permission of this Court. However, in case, the debit card/cheque book have already been issued, Bank of Baroda, Shahbad Daulatpur Branch shall cancel the debit card and/or cheque book.

9. The Commissioner, Employees' Compensation is directed to release Rs.2,34,403/- [Rs.6,09,403/- – (minus) Rs.3,75,000/-] along with proportionate interest accrued on the aforesaid amount to M/s Tipco Engineering Works within a period of three weeks from today.

10. This Court appreciates the assistance rendered by Mr. K.P. Mavi, learned amicus curiae in this matter.
11. The record of the Commissioner, Employees' Compensation be returned back forthwith.
12. The record of the criminal case be returned back along with copy of this order.
13. Copy of this order be given *dasti* to counsels for the parties under signatures of the Court Master.

J.R. MIDHA, J.

SEPTEMBER 12, 2017
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