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

+ LPA 54/2017

BIRENDER SINGH Appellant

Through: Mr.S.P. Gairola, Adv.

versus

THE IMPERIAL HOTEL & ANR Respondents

Through: Nemo.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **23.01.2017**

CM No.2677-78/2017 (exemption)

Allowed, subject to all just exceptions.

LPA No.54/2017

1. The respondent No.2 in W.P.(C) No.5705/2013 filed this appeal assailing the order dated 30.09.2016 passed by the learned Single Judge in CM No.9636/2016 in which he sought release of the 50% of the award amount deposited in the Court.

2. We have heard the learned counsel for the appellant.

3. The main writ petition has been filed by the respondent No.1 herein/management challenging the award of the Labour Court dated 16.10.2012 in I.D. No.396/2009 directing reinstatement of the workman/appellant herein together with 50% of back wages and continuity of service. This Court granted interim stay of the award subject to depositing the back wages awarded by the Labour Court. It is also not in

dispute that the appellant's application for payment of wages under Section 17-B of the Industrial Disputes Act is allowed.

4. The learned Single Judge declined to direct release of the amount in deposit having taken note of the fact that the appellant herein/workman has resigned from service and there would be no way for recovery of the amounts from him in case the award is set aside by this Court. It also appears that about Rs.3 lakhs was already paid to him apart from Rs.10,000/- being paid every month.

5. In these circumstances, we do not find any justifiable reason to interfere with the order under appeal. However, we consider it appropriate to dispose of the appeal permitting the appellant to move an appropriate application before the learned Single Judge to expedite the hearing of the writ petition. If any such application is moved, we request the learned Single Judge to consider the same and dispose of the writ petition in accordance with law as expeditiously as possible, preferably within a period of eight weeks.

Appeal is accordingly disposed of.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

JANUARY 23, 2017/pmc