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

+ W.P.(C) 234/2017 and CM APPL 1161/2017

M/S NATIONAL ENTERPRISES Petitioner

Through: *Counsel (appearance not given)*

Versus

CONTROLLING AUTHORITY EPUTY LABOUR
COMMISSION (DISSTT SOUTH) & ORS Respondents

Through: Mr. Jitesh Pandey, Advocate for
Respondent No. 3

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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27.11.2018

Impugned order of 5th July, 2016 directs petitioner to pay gratuity of ₹ 32,452/-, alongwith interest @ 10% p.a., to respondent No. 3.

The challenge to impugned order is on the ground that petitioner had not received any notice from respondent-Authority and the appeal could not be preferred because petitioner had gone to U.S.A. due to family compulsion. Impugned order is an *ex parte* order.

Upon hearing, it is deemed appropriate to set aside the impugned order, subject to petitioner depositing the gratuity amount of ₹ 32,452/- with respondent-Authority within four weeks from today, so that petitioner gets an opportunity to contest the quantum of gratuity.

It is made clear that in case petitioner fails to deposit the amount of gratuity, then the impugned order shall remain in force. It is also made

clear that the amount so deposited by petitioner be not released to respondent No. 3 till the matter is heard and decided afresh by respondent-Authority. In case petitioner succeeds, then the excess deposit, if any, be refunded to petitioner.

The parties to appear before respondent-Authority through their authorized representatives on 10th December, 2018. Needless to say that respondent-Authority shall expeditiously proceed with the matter.

With aforesaid directions, this petition and the application are accordingly disposed of.

DASTI.

(SUNIL GAUR)
JUDGE

NOVEMBER 27, 2018
p'ma