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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO 354/2016 and CM APPL No. 27213/2016

M/S TURBO BELL MOULDS PRIVATE LIMITED THR
PRABHAT CHANDRDA GHOSH

..... Appellant

Through: Mr. P.P. Singh Rana and Ms. Sunita,
Advocates.

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr. Rajesh Narang, Advocate for
Respondent No. 2 with Respondent
No.2 in person.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

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17.05.2018

1. After detailed hearing, the parties agreed to settle this matter as well as all other pending cases on the following terms:-

(i) The respondent no. 2 agrees to accept Rs.6,94,500/- deposited by the appellant with the Commissioner, Employees' Compensation in full and final settlement of all his claims against the appellant.

(ii) Respondent no. 2 undertakes to withdraw the following cases pending against the appellant within a period of four weeks from today:-

(a) Case No - ID No. 834/2016, titled K. Thumra Vs. Turbobell Moulds (P) Ltd. pending before Sh. Chandra Gupta, ADJ, POIT-I (Dwarka Courts).

(b) Case No - ID No. 8939/2016, titled K. Thumra Vs. Turbobell Moulds (P) Ltd. pending before Ms. Preeti Agrawal Gupta, ADJ, POLC, Authority: Labour Dept. (A Wing, First Floor, Pushp Bhawan, Pushp vihar, Delhi-62).

- (c) K. Thumra Vs. Turbobell Moulds (P) Ltd. pending before Mr.Amardeep, Asstt. Labour Commissioner, (South) (ID).
- (d) K. Thumra Vs. Turbobell Moulds (P) Ltd. through Mr. Tae An Kim, MD pending before Labour Officer/ALC (Sec-29 complaint).
- (iii) The parties undertake not to initiate any further legal proceedings against each other in future.
2. The settlement between the parties is hereby recorded. The undertaking of the respondent no. 2 to withdraw the aforesaid cases is accepted.
3. With respect to Rs.6,94,500/- deposited by the appellant, Rs.75,000/- has already been released to respondent. No.2 and the balance amount is lying with the Commissioner, Employees' Compensation. The Commissioner, Employees' Compensation is directed to release the balance amount to respondent no. 2 along with interest accrued thereon after the withdrawal of the aforesaid four cases mentioned in para 1(ii) above. The respondent no. 2 shall file the copies of the orders of withdrawal of the aforesaid cases before the Commissioner along with the application for seeking withdrawal of the amount deposited by the appellant herein.
4. The concerned Courts/Authorities where the four cases are pending, are directed to expedite the withdrawal/closure of the cases upon filing of the appropriate application by respondent no. 2.
5. Learned counsel for respondent no. 2 seeks the release of the provident fund from the Employees' Provident Fund Commissioner to which the appellant has no objection. The appellant shall provide necessary assistance to respondent no. 2 to enable him to withdraw the provident fund amount in accordance with the rules.
6. Respondent no. 2 submits that no other case, other than the four cases

mentioned above, is pending in any Court of Law/Authority. Learned counsel for respondent no. 2 submits that the appellant had made a complaint to the police against the respondent no. 2. Learned counsel for the appellant submits that no action was taken by the appellant on the said complaint which was closed at that time.

7. Learned counsel for the appellant seeks clarification that the appellant has settled this matter in the peculiar facts and circumstances of this case and it should not be treated as a precedent by the other employees. It is clarified that this settlement shall not be treated as precedent with respect to other cases of employees of the appellant.

8. This Appeal is disposed of in terms of the settlement between the parties. Both the parties shall remain bound by the above settlement as well as the undertaking given to the Court. The pending application is disposed of. Both the parties shall sign this order sheet.

9. This Court appreciates the assistance rendered by the learned counsels for the parties in resolving this matter.

10. Copy of this order be given *dasti* to learned counsels for the parties under signature of Court Master.

J.R. MIDHA, J.

MAY 17, 2018

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