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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CM APPL. 42666/2018 in
+ W.P.(C) 7762/2015

THAI AIRWAYS INTERNATIONAL PUBLIC COMPANY
LIMITED Petitioner

Through:: Mr.Lalit Bhasin, Ms.Ratna
Dwivedi Dhingra, Ms.Bhawna Dhami,
Ms.Chandni Sadana, Ms.Ashima Singhal
and Mr.Ajay Pratap Singh, Advs.

versus

GURVINDER SINGH Respondent

Through:: Mr.Jagat Arora and Mr.Rajat
Arora, Advs.

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER
% **12.10.2018**

This writ petition has been filed by the petitioner, challenging the order dated 27th May, 2015, passed by the Controlling Authority under the Payment of Gratuity Act, 1972 (hereinafter referred to as “the Act”).

Vide judgment dated 13th February, 2018, the writ petition was dismissed on the ground that the petitioner had an equally efficacious alternate statutory remedy of appeal available against the impugned award, passed by the Controlling Authority under Section 7(4) of the Act.

Mr. Lalit Bhasin, learned counsel for the petitioner, submits that the petitioner does not intend to challenge the said award and would abide thereby.

This application has been moved only because, while issuing notice on this writ petition on 14th August, 2015, the petitioner had been directed to deposit the awarded amount along with interest with the Registrar General of this Court in a FDR alive for a period of six months with auto renewal facility. The said FDR was, apparently, deposited by the petitioner in compliance with thereof.

The petitioner submits that, as the petition has been dismissed and the petitioner has been relegated to its appellate remedy under the statute, the FDR deposited by the petitioner may be released to it.

There can be no possible objection to this prayer. However, Mr. Rajat Arora, learned counsel for the respondent, submits that the petitioner should be directed to pay the said amount to the workman.

Mr. Bhasin, learned counsel for the petitioner, while acknowledging the reasonableness of the submission of Mr. Arora, contents that, in any event, the FDR deposited with this Court pursuant to the direction issued on 14th August, 2015, has necessarily be returned to the petitioner.

In view thereof, the Registry is directed to return, to the petitioner, the FDR for ₹1,98,510/-, along with the interest accrued thereon, deposited by the petitioner with this Court, pursuant to the order dated 14th August, 2015, within a period of one week.

The application stands disposed of accordingly.

C.HARI SHANKAR, J

OCTOBER 12, 2018

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