

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CM No.10152-CWP of 2019 in/and
Civil Writ Petition No.18372 of 2014 (O&M)

Date of Decision: July 23rd, 2019

The Wazidke Kalan CASS Ltd.

...Petitioner

Versus

The Industrial Tribunal, Patiala and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Mayank Mathur, Advocate
for the applicant-petitioner.

Respondent No.2 in person with Mr. Raj Kaushik, Advocate.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.10152-CWP of 2019

Prayer in this application is for preponing of the hearing of the case and for disposal of the same in the light of the compromise dated 31.05.2019, which has been entered into between the petitioner, which is the society and respondent No.2-workman Raghubir Singh, who is present in Court and has been identified by his counsel. He acknowledges the factum of compromise and also the fact that he has received three cheques as detailed in para 3 of the compromise (Annexure P-1/1), out of which two are post dated cheques. Details of the cheques are as follows:-

“Cheque No.389701 of Rs.2,00,000/- dated 20.05.2019

Cheque No.389702 of Rs.1,75,000/- dated 20.11.2019

Cheque No.389703 of Rs.1,75,000/- dated 20.05.2020”

As per the terms of compromise dated 31.05.2019, in compliance with the order passed by this Court on 05.09.2014, petitioner-society had deposited 25% of the compensation amount as awarded by the Industrial Tribunal, Patiala, vide award dated 02.06.2014 (Annexure P-4).

The said amount which was to be kept in the FDR by the Industrial Tribunal as per the order passed by this Court, referred to above, is to be refunded to the petitioner-society. It has also been stated that respondent No.2 has no objection if the writ petition is allowed as he does not want to join the petitioner-cooperative society.

In the light of the above, the present application is allowed. Hearing of the main case is preponed, as prayed for and the main case is taken on board for disposal in the light of the compromise, which has been entered into between the parties, which factum stands acknowledged by respondent No.2, who is present in Court as well as his counsel.

CWP No.18372 of 2014

The writ petition, in the light of the compromise dated 31.05.2019, is allowed.

Parties shall be bound by the terms and conditions of the said compromise.

The amount which has been deposited by the petitioner-society with the Industrial Tribunal, Patiala, as per the order dated 05.09.2014 passed by this Court in the present writ petition, while issuing notice of motion and was ordered to be kept in the FDR, shall be released to the petitioner-society along with interest accrued thereon after getting the FDR encashed.

Petitioner-society would honour the cheques, which have been issued to respondent No.2 and in case of non-honour of the said cheques, which include two post dated cheques, petitioner would be liable for being proceeded against under the Contempt of Courts Act.

In the light of the disposal of the petition, pending applications stand disposed of as infructuous.

July 23rd, 2019
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No