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

+ **W.P.(C) 385/2019**

SANJIV RATHORE

..... Petitioner

Through **Mr.Siddhant Buxy, Adv.**

versus

AIRLINE ALLIED SERVICES LTD. AND ANR. Respondents

Through **Mr.Dhruv Nayar, Adv. for R-1.**

Ms.Aasia Hasan, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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18.07.2019

Vide the present petition, the petitioner seeks direction thereby directing the respondent no.1 to pay the petitioner his final settlement amount of ₹2,10,070/ and issue no-dues certificate and no objection certificate to the petitioner. Further seeks direction thereby directing respondent no.1 to pay adequate amount of compensation to the petitioner towards legal expenses, mental harassment and infringement of fundamental rights under Articles 14, 19(1)(g) and 21 suffered by the petitioner solely due to the unconstitutional and malafide conduct of respondent no.1.

In counter affidavit filed by respondent no.1, it is stated that with respect to the claims due, the petitioner has claimed an amount of ₹2,10,070/-. As per the records of respondent no.1, the dues amount was ₹2,20,850/-. However, a recovery of ₹7,055/- was due from the petitioner on account of less TDS deducted @ 10% on PF Accumulation of ₹70,554/- (as not completed 5 years of service). Therefore, the due amount payable was

calculated to be ₹2,13,795/-. Thus, admission of respondent no.1 is that an amount of ₹2,13,795/- is to be paid by the respondent no.1 to the petitioner.

Counsel appearing on behalf of the petitioner submits that the petitioner was entitled to this amount as on 03.09.2018, however, it is admitted in the counter affidavit after filing a writ petition, therefore, interest and heavy cost be imposed upon respondent no.1 who compelled the petitioner to file the present petition before this Court.

Counsel appearing on behalf of respondent no.1 submits that communication dated 08.10.2018 issued by Personnel Department of respondent no.1 may be treated as No objection certificate in favour of the petitioner which is not disputed by the counsel for the petitioner.

In communication dated 08.10.2018, it is stated that if the Finance Department does not get any information indicating the amount to be recovered from the employee latest by 28.10.2018, the final settlement will be effected without making any further reference. Any recovery advice received subsequently will not be entertained and concerned department will be responsible for the same.

The amount due of the petitioner is w.e.f. 28.10.2018, therefore, the respondents are directed to pay the amount of ₹2,13,795/- within three weeks from today with interest @ 7.5% p.a., failing which the respondents shall be liable to pay interest @ 12% p.a. on the delayed payment.

In view of above, the petition is disposed of.

SURESH KUMAR KAIT, J

JULY 18, 2019/ab