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

+ LPA 73/2020

CAPT SUDIPT SEN

..... Appellant

Through: Mr. Saurabh Chauhan and Mr. Varun
Jain, Advocates.

versus

AIR INDIA LTD & ORS

..... Respondents

Through: Mr. Lalit Bhasin, Mr. Aayush Gupta,
Mr. Ajay Pratap Singh and
Ms. Ananya Marwah, Advocates for
R-1.
Mr. Gaurang Kanth, CGSC with
Ms. Aarti A. Mahto, Advocates for R-
2 & 3.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **07.02.2020**

C.M. No. 4937/2020 (exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

LPA 73/2020 & C.M. No. 4936/2020

3. Issue notice. Learned counsel for the Respondents accepts notice.
4. We propose to dispose of the present appeal since a short issue is involved. Appellant is aggrieved by the order dated 07.01.2020 passed by the learned Single Judge in W.P.(C) 678/2016. This application had been

moved by the Appellant/ the Writ Petitioner to seek direction to the Respondents to release his entire provident fund and gratuity due with interest upto the date of disbursement. He had sought an interim direction for release of 25 percent of the emoluments and other dues that were deducted from his monthly emoluments. The learned Single Judge while passing the impugned order has issued notice on the said application and granted four weeks time to the Respondents to file the reply. The same is posted for hearing on 21.05.2020. Normally, we do not interfere with an order of the kind passed by the learned Single Judge. The only submission of the Appellant which impresses us is that he is only seeking release of provident fund and gratuity dues which, in any event, could not be withheld by the Respondents, considering the fact that the dispute in the writ petition is in relation to the Appellant's right to seek voluntary retirement from the Respondents. We accordingly dispose of this appeal with direction to the Respondents to positively file the reply to the aforesaid application before the learned Single Judge within two weeks. We request the learned Single Judge to deal with the application in the aforesaid light and to dispose the same considering the fact that the Appellant left the employment of the Respondents in the year 2015 and has not received any payment from the Respondents since then.

VIPIN SANGHI, J

SANJEEV NARULA, J

FEBRUARY 07, 2020

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