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

+ **W.P.(C) 10485/2019**

VIVEK KUMAR SARASWAT

..... Petitioner

Through Ms.Urvi Mohan, Adv for Mr.Sanjoy
Ghose, Adv.

versus

ZYDUS HEALTHCARE LIMITED

..... Respondent

Through Mr.Anurag Lakhotia, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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14.01.2020

1. The present writ petition filed by the workman assails the award dated 14.03.2019 passed by the Labour Court-II, Dwarka Courts in LIR No.2278/2016. Under the impugned award, the petitioner's claim has been rejected on the ground that the petitioner having been employed as an Area Manager did not fall within the ambit of the term 'workman' as envisaged under Section 2(s) of the Industrial Disputes Act, 1947.

2. Learned counsel for the petitioner submits that even though the petitioner does not press his petition on merits keeping in view the decision of this Court in *G.K.Jha v. The Presiding Officers & Ors.* [W.P.(C)No.5397/1998], the petitioner would still be entitled to receive at least his gratuity along with interest and is, therefore, willing to amicably settle the matter with the respondent, in case, he is

paid a lump sum compensation of Rs.6 lakh by the respondent.

3. Learned counsel for the respondent, on instructions, submits that the said offer is acceptable to the respondent.

4. Accordingly with the consent of the parties, while upholding the impugned award, it is directed that the petitioner will be entitled to receive a sum of Rs.6 lakh from the respondent in lieu of all his claims against the respondent. The agreed amount will be paid to the petitioner within a period of four weeks.

5. It is made clear that on receipt of the aforesaid amount of Rs.6 lakhs from the respondent, the claim of the petitioner towards his gratuity and interest on the unpaid gratuity will also stand satisfied and he will have no surviving claims against the respondent.

6. The writ petition is disposed of in the above terms.

REKHA PALLI, J

JANUARY 14, 2020/sr