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

+ **W.P.(C) 1634/2016**

DELHI TRANSPORT CORPORATION

..... Petitioner

Through: Mrs. Avnish Ahlawat, Standing
Counsel alongwith Mr. Nitesh Kumar
Singh, Adv.

versus

OM PRAKASH

..... Respondent

Through: Mr. P.C. Dogra, Adv.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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17.02.2020

This petition impugns the order dated 21.08.2015 passed by the learned Industrial Tribunal in LCA No. 27 of 2009, seeking release of an amount of Rs. 2,02,754/-. It is the petitioner's case that after the re-instatement of the service of the respondent, alongwith 25% back wages, it was open to the management to take legal measures against it, especially since the respondent/workman had been found to be involved in the act of stealing. However, upon his representations dated 02.05.2008 and 15.05.2008 giving up his claim for 25% back wages, he sought only re-instatement. Vide letter dated 09.06.2008, he was re-instated in service on the basis of his representations but without back wages.

The learned counsel for the respondent fairly submits that since the representations of the respondent are clear, he would not press for the

amounts sought to be recovered by the impugned order.

In view of the above, the impugned order is set aside. The petition is allowed and disposed-off accordingly.

Since the workman has retired, therefore, from the monies deposited, let Rs. 15,000/- be paid to the respondent and the remaining amount, alongwith interest accrued thereon, be returned to the petitioner.

FEBRUARY 17, 2020

RW

NAJMI WAZIRI, J