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

Date of decision: 23rd December, 2021

+ **W.P.(C) 926/2020 & CM APPL. 2937/2020**

HT MEDIA LTD

..... Petitioner

Through: Ms. Raavi Birbal, Advocate (M:
9818024661)

versus

GNCT OF DELHI & ANR

..... Respondents

Through: Mr.Nikunj Arora, Advocate for R-1

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done in physical Court. Hybrid mode is permitted in cases where permission is being sought from the Court.

2. The challenge in this writ petition is to the impugned reference dated 27th May 2019 passed by the Deputy Labour Commissioner, New Delhi District in *F. No. 24(40)/16/WJA/DLC/NDD/2015/4080* filed by the claimant *Sh. Rajesh Kumar* against the management of *HT Media* (hereinafter “*Management*”) in respect of claims of arrears of wages raised by the Respondent No.2/ Rajesh Kumar/Workman (hereinafter “*Workman*”) whose details are as under:

*“Mr. Rajesh Kumar,
S-803, Saffron Towers,
Anjara Gen X Crossing Republic
Ghaziabad”*

3. In the earlier round of litigation between the Management and the Workman regarding the same dispute, parties had settled their issues and a

memorandum of settlement (*hereinafter "settlement"*) dated **17 June 2016** entered between the Management and the Workman in respect of Workman's claim for arrears in salary. In terms of the said settlement, which was recorded before the Court vide order dated 13th July, 2016 in **WP(C) 11139/2015** titled ***HT Media Limited v. Deputy Labour Commissioner & Anr.*** the following order was passed:

"CM No.24339/2016

Even though, a joint application under Order XXIII Rule 3 CPC has been filed by petitioner and the respondent no.2, learned counsel for the petitioner states that in view of the settlement entered by the petitioner with the respondent no.2, he wishes to withdraw the Writ Petition. The petition is dismissed as withdrawn.

Consequently, all the pending applications have become infructuous and dismissed as infructuous.

The date already fixed, i.e, 4th August, 2016 stands cancelled."

4. As per the Terms of Settlement, the Workman was to be paid an ex-gratia lump-sum amount of Rs. 2,50,000/- towards expenses and compensation as full and final settlement of all the disputes/claims/demands/dues of any kind whatsoever against the Management. It is not disputed that the said amount was duly paid by the Management. The case of the Management is that the said amount having been paid, the same very issues could not be re-agitated by the Workman and hence the impugned reference which ignores the earlier settlement entered into between the parties is not tenable.

5. In this matter, the notice was issued on 24th February, 2020. Counter affidavits have been filed by the Workman. However, thereafter they have stopped appearing in the matter.

6. Perusal of the earlier orders and the settlement as also the cheque payment and the receipts which are placed on record by the Management shows that the workman has been paid the agreed amounts and in fact much higher amount, has been paid by the management as per mutual understanding in lieu of the settlement of claims/demands/disputes etc. against the Management.

7. In view of the aforesaid, the filing of the claim petition by the Workman once again and issuance of summons against the Management, as also the framing of the reference by the Id. Deputy Labour Commissioner would be contrary to the settlements entered between the parties and recognised by this Court which has already attained finality.

8. Accordingly, the impugned reference order dated 27th May, 2019 is quashed.

9. No further orders are called for. The petition is disposed of. The pending application is disposed of.

PRATHIBA M. SINGH
JUDGE

DECEMBER 23, 2021

mw/SK