

CWP No.8947 of 2019
Date of Decision: 16.08.2022

M/S L. N. M. AUTO INDUSTRIES PRIVATE LIMITED

.....Petitioner

Versus

PRESIDING OFFICER INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-II FARIDABAD AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWATPresent: Ms. Abha Rathore, Advocate,
for the petitioner.Mr. Deepak Sonak, Advocate,
for respondent No.2-workman.

None for respondent Nos.3 and 4.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ, order or direction in the nature of Certiorari for setting aside the order dated 31.01.2019 (Annexure P-13) passed by respondent No.1.

During the pendency of the present petition, the parties have reached an amicably settlement under which the respondent No.2-workman had made an offer to accept Rs.1.00 Lakh as lump sum compensation for settling the entire claim against the petitioner-employer. That offer of respondent No.2-workman stands accepted by the petitioner-employer. The counsel for the respective parties have confirmed this fact of settlement between the parties.

As has come on record; in the earlier round of litigation, while disposing of LPA No.49 of 2016, vide order dated 18.09.2018, this Court had directed the petitioner-employer to deposit a sum of Rs.2.00 Lakh by way of FDR with the Labour Court-II Faridabad; on the first date of appearance; qua the possible final order on the claim of the respondent-workman.

The counsel for the petitioner has submitted that since the parties had appeared before the Labour Court, and subsequently the proceedings were also conducted by the Labour Court, therefore, it is obvious that the amount of Rs.2.00 Lakh stands deposited with the Labour Court-II, Fardidabad. The counsel has further submitted that out of that amount, a sum of Rs.1.00 Lakh be paid to the respondent-workman and, accordingly, the remaining amount be refunded to the petitioner-employer.

In view of the above, the present petition is disposed of in terms of the above settlement. The Labour Court is directed to release an amount of Rs.1.00 Lakh to the respondent-workman out of the FDR created pursuant to the order dated 18.09.2018 passed by Division Bench of this Court; and the remaining amount of the said FDR be refunded to the petitioner-employer.

(RAJBIR SEHRAWAT)
JUDGE

16.08.2022
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Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No