

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7880-2021 (O/M)

Date of decision : 07.12.2023

Shimizu Corporation India Pvt. Ltd.

..... Petitioner

Versus

Industrial Tribunal-cum-Labour Court-I, Gurugram and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Shailendra Jain, Senior Advocate with
Ms. Navneet Kaur, Advocate
for the petitioner.

Mr. Damodhar Jannu in person
on behalf of petitioner-Company.

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HARSH BUNGER, J. (ORAL)

1. Petitioner-Company (Shimizu Corporation India Pvt. Ltd.) has filed the instant writ petition under Articles 226/227 of the Constitution of India seeking a writ in the nature of certiorari for quashing the impugned Award dated 16.05.2016 (Annexure P-9), passed by the Presiding Officer, Industrial Tribunal-cum-Labour Court-I, Gurugram, whereby the reference of Industrial Dispute has been decided by directing that respondent No. 2-workman herein (Vijender) be reinstated in service with 40% back wages with effect from 31.12.2013 onwards.

2. On 29.11.2023, the following order was passed :-

“ Learned counsel for the parties are ad idem that the matter has been amicably resolved between the parties for a lump sum compensation of Rs. 15,00,000/- in settlement of all claims of the respondent-workman towards the petitioner-Company.

At this stage, learned counsel for the petitioner submits that he would bring a demand draft of Rs. 15,00,000/- in the name of the respondent-workman in the Court on the next date of hearing.

In view of the above, list the matter on 07.12.2023.

Respondent No. 2 is directed to remain present in the Court on the next date of hearing.

To be taken up immediately after the urgent list.”

3. In pursuance to the order dated 29.11.2023, passed by this Court, learned senior counsel for petitioner-Company has brought a Banker's Cheque bearing No. 000610 dated 04.12.2023, drawn on Mizuho Bank Ltd., in the name of respondent No. 2-workman herein (Vijender) for an amount of Rs. 15,00,000/-.

4. At this stage, Mr. Mukesh Yadav, Advocate appears and files Vakalatnama on behalf of respondent No. 2 in Court today, which is taken on record subject to all just exceptions.

5. The aforesaid original Banker's Cheque has been handed over to learned counsel for respondent No. 2-workman in Court today and photocopy thereof has been retained on the office file subject to all just exceptions. Learned counsel submits that upon encashment of the aforesaid banker's cheque, all the claims of respondent No. 2-workman against the petitioner-Company, its Officers/Directors, employees etc. shall stand settled and he shall not initiate any legal proceeding against them.

6. In view of the fact that the matter has been amicably settled between the parties, the instant writ petition is accordingly disposed of in the aforestated terms.

7. Needless to say that in case any proceedings have been initiated for non compliance of the impugned award in the instant matter,

the same shall also stand closed.

7. All pending application (s), if any, shall stand closed.

(HARSH BUNGER)
JUDGE

07.12.2023
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No