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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CM-8248-CWP-2023 in/and
CWP-20898-2016 (O&M)
Date of Decision: 11.05.2023**

M/S SHAHI EXPORTS HOUSE

... Applicant/Petitioner

Vs.

PRESIDING OFFICER INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-I, FARIDABAD & ANR.

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Abha Rathore, Advocate for applicant-petitioner.

Mr. Diwan S. Adlakha, Advocate
for respondent No.2.

...

Manoj Bajaj, J. (Oral)

CM-8248-CWP-2023

Learned counsel for the applicant-petitioner has filed this application to place on record the settlement arrived at between the parties during the pendency of the petition and prays that as the dispute is amicably settled, she may be allowed to withdraw the main petition.

Notice of this application.

At this stage, Mr. Diwan S. Adlakha, Advocate accepts notice on behalf of respondent No.2 and does not oppose the prayer.

For the reasons mentioned in the application, the same is allowed and settlement deed dated 22.02.2022 (Annexure A-1) is taken on record.

CWP-20898-2016 (O&M)

This writ petition was filed under Article 226 Constitution of India for issuance of a writ of Certiorari for quashing the award dated 22.07.2016 (Annexure P-8) passed by Presiding Officer, Industrial Tribunal-cum-Labour Court, Circle-I, Faridabad, whereby respondent No.2 was reinstated with full back wages.

Learned counsel for applicant-petitioner states that during the pendency of this petition, petitioner and respondent No.2 have reconciled and a compromise has been arrived at between them. The settlement deed is annexed as Annexure A-1. In terms of compromise, an amount of Rs.2 lacs has already been paid to respondent No.2 through a cheque bearing No.006413 dated 25.02.2022 (Annexure A-2). The relevant terms of settlement reads as under:-

Both the parties themselves agreed on the following terms:

“1. The first party Shri Raj Kumar who was working as a driver with the 2nd party Shahi Exporters Pvt. Ltd Company was dismissed by the second party company on the charges of indiscipline after the charge was proved during investigation conducted by the company itself. The first party filed a case against the orders of his dismissal from the company in the Hon'ble Court. Today case No. CWP No.20898/2016 has been filed by the second party in the High Court of Punjab and Haryana Chandigarh against the award dated 22-7-22 in connection with dismissal of first party. Another case which has Ref. No. 158/2018.(Raj Kumar versus Shahi Exporters Pvt. Ltd.) is under consideration with the Labour Court, Faridabad.

2. The first party placed a proposal of compromise before the 2nd party and the first party agreed to solve this dispute in a good sense.

3. The first party Shri Raj Kumar would withdraw the case which is being heard in the Labour Court Faridabad for which he would either through his advocate or by himself will go to Faridabad Labour Court and would file an application to this effect. After this the first party would record his statement through his advocate in connection with the case which is pending before the Hon'ble High Court Chandigarh or the second party will withdraw the case on the basis of this compromise.

4. *The above dispute going on between both the parties and disputes connected with award dated 22-7-2022 would be finally settled for ever.*

5. *After withdrawal of both the cases, there will not be any dispute after receiving Rs. 2,00,000/-(Two Lakh) by the first party from the second party and after that there will not be any dispute or will not file any claim such as last salary, Bonus, leave encashment or gratuity etc. if any with the second party.”*

Learned counsel for the petitioner prays that in view of the above compromise, the writ petition be disposed of.

The prayer is not opposed by learned counsel appearing on behalf of respondent No.3-workman, who further states that he has no objection in case the impugned order is set aside and the rights of the parties are ordered to be governed in terms of the above compromise.

In view of the above common stand of the rival parties, the impugned award dated 22.07.2016 (Annexure P-8) passed by Industrial Tribunal-cum-Labour Court, Faridabad is set aside, and further it is ordered that the rights of the parties shall be governed as per the terms and conditions of the compromise.

The writ petition is disposed of.

As the main case is decided, therefore, pending miscellaneous application(s), if any, be treated as disposed of.

11.05.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No