

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24657-2014 (O/M)

Date of decision : 13.12.2023

M/s Modelama Exports

..... Petitioner

Versus

Sunaina and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Ashwani Talwar and Mr. Sahaj Mahajan, Advocate (s)
for the petitioner.

Mr. Suresh Kumar Kaushik, Advocate
for respondent No. 1.

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HARSH BUNGER, J. (ORAL)

1. Petitioner-Company (M/s Modelama Exports) has filed the instant writ petition under Article 226 of the Constitution of India seeking a writ in the nature of certiorari for quashing the impugned order dated 06.08.2014 (Annexure P-1), passed by the Presiding Officer, Industrial Tribunal-cum-Labour Court-II, Gurgaon (hereinafter referred to as 'the Tribunal'), whereby the reference was passed to the extent that respondent No. 1-worklady herein (Sunaina Devi) has been held entitled to reinstatement in service with full back wages at the rate of last drawn salary i.e. Rs. 2,800/- per month, from the date of her termination i.e. 04.10.2005 till her reinstatement in job alongwith all consequential benefits.

2. Learned counsel for petitioner-Company has referred to Annexure P-16, which is an order dated 24.12.2014, passed by the Tribunal

below and submits that petitioner-Company had already deposited an amount of Rs. 1,50,365/- being 50% of back wages.

3. A perusal of aforesaid order dated 24.12.2014 (Annexure P-16) reveals that the said amount was ordered to be deposited with any Nationalized Bank by way of Fixed Deposit receipt (FDR) fetching maximum rate of interest.

4. Learned counsel for petitioner-Company, on instructions from Mr. Sanjeev Yadav, Authorized Representative of petitioner-Company, who is present in Court today, submits that now the matter has been amicably resolved with respondent No. 1-worklady (Sunaina Devi) to the effect that apart from the amount, which has already been deposited by the petitioner-Company as per Annexure P-16, petitioner-Company would pay another amount of Rs. 1,50,000/- to respondent No. 1-worklady (Sunaina Devi).

5. Learned counsel for respondent No. 1-worklady (Sunaina Devi) has not disputed the aforesaid facts and admitted the factum of compromise arrived at between the parties.

6. At this stage, learned counsel for petitioner-Company has handed over photocopy of Cheque No. 009825 dated 11.12.2023, drawn on HDFC Bank, in the name of respondent No. 1-worklady (Sunaina Devi), for an amount of Rs. 1,50,000/- to the Court, which has been taken on record subject to all just exceptions and the original of aforesaid cheque has been handed over to learned counsel representing respondent No. 1-worklady (Sunaina Devi).

7. Learned counsel for respondent No. 1-worklady (Sunaina Devi) submits that upon encashment of amount of Rs. 1,50,000/- and also

upon release of amount, which has been deposited in the form of FDR with a Nationalized Bank, in terms of order dated 24.12.2014 (Annexure P-16), all claims of respondent No. 1-worklady (Sunaina Devi) against petitioner-Company shall stand settled and she would not claim anything from the petitioner-Company henceforth.

8. It is directed that the amount deposited by way of FDR, in terms of order dated 24.12.2014 (Annexure P-16), be released to respondent No. 1-worklady (Sunaina Devi) against due verification.

9. In view of aforesaid submissions and subject to the realization of the amount of FDR in favour of respondent No. 1-worklady (Sunaina Devi), the instant writ petition is disposed of in view of settlement arrived at between the parties.

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

(HARSH BUNGER)
JUDGE

13.12.2023
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No