

213-1

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

CWP-5136-2017

Date of Decision: 20.11.2023

Sunil Kumar Jha

..... Petitioner

Versus

Presiding Officer, Central Govt. Industrial Tribunal-cum-Labour Court-II,
Chandigarh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Ashok Bhardwaj, Advocate
for the petitioner.

Mr. Paul S.Saini, Advocate
for respondent No.2.

Mr. Daldeep Singh, Advocate
for respondents No.3 and 4.

HARSH BUNGER J. (ORAL)

1. The instant petition has been filed under Articles 226/227 of the Constitution of India seeking modification of award dated 13.06.2016 (Annexure P-4) passed by respondent No.1, whereby the petitioner-workman has been granted compensation only for illegal termination of his services but reinstatement and regulations of services of the petitioner have been declined. Another prayer has been made to direct respondent No.2 to reinstate and regularise the services of petitioner and grant all the consequential benefits of seniority, pay fixation, increments etc. to him. It has further been prayed that respondent No.2 be also directed to pay full

back wages to the petitioner from the date of illegal termination of his services till the date of reinstatement along with interest @ 18 per annum.

2. Learned counsel for respondents No.3 and 4 submits that respondents No.3 and 4 are ready and willing to pay an amount of Rs.1,00,000/- over and above the amount awarded by the Tribunal and accordingly, Bankers Cheque bearing No.033823 dated 18.11.2023, amounting to Rs.1,00,000/-, drawn in the name of Sunil Kumar Jha (petitioner), has also been brought by learned counsel for respondents No.3 and 4 in Court today.

3. Learned counsel for the petitioner submits that the petitioner would be satisfied upon receiving an amount of Rs.1,00,000/- over and above the amount awarded by the Tribunal.

4. Accordingly, learned counsel for respondents No.3 and 4 has handed over the aforesaid Bankers Cheque bearing No.033823 dated 18.11.2023 to learned counsel for the petitioner, in Court today, which is accepted by him. A photocopy thereof is also supplied by learned counsel for respondents No.3 and 4, in Court today itself, which is taken on record, subject to all just exceptions.

5. Learned counsel for the petitioner submits that upon encashment of the said Bankers Cheque bearing No.033823 dated 18.11.2023, no claim of the petitioner shall be left *qua* respondents herein. Learned counsel for the petitioner further submits that keeping in view the amicable settlement arrived at between the parties, the amount of Rs.2,56,300/-, which was deposited by respondents No.3 and 4 on 12.01.2017, as per the directions of the Tribunal below, may be released to the petitioner, to which learned counsel for the respondents have not raised any objection.

6. Keeping in view the fact that the matter has been amicably settled between the parties as well as the submissions made by learned counsel for the parties, the present writ petition is disposed of. Further, the Tribunal/Executing Court is directed to release the amount deposited by respondents No.3 and 4, along with interest (if any), to the petitioner.

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

20.11.2023

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No