

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

213 CWP-23644-2015(O&M)
Date of Decision: 25.04.2024
M/S D.G. DRIEF PVT. LTD.(Correct name is M/s Di Gi Drives
Pvt. Ltd.) Petitioner

Versus

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-III, FARIDABAD AND ANR
....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Ms. Abha Rathore, Advocate alongwith
Mr. Babu Singh Bhatti, Account Manager
of the petitioner-Company

Mr. Bharat Bhushan Sharma, Advocate alongwith
Mr. Daya Nand-workman.

SANJAY VASHISTH, J.(Oral)

1. Petitioner-M/s Di Gi Drives Pvt. Ltd (being
Management has filed the present writ petition, challenging the award
dated 23.07.2015 (Annexure P-8), passed by the Industrial Tribunal-
cum-Labour Court-III, Faridabad, whereby reference No.162/2012
filed under Section 10 (1) (c) of the Industrial Disputes Act, 1947 (for
short, ‘the Act of 1947’) has been answered in favour of respondent
No.2-Daya Nand (workman), by giving observation that the
termination of the workman is against the law. Learned Labour Court
held that the workman is entitled for reinstatement in service with

continuity of service from the date of retrenchment alongwith 50% back wages.

2. Petitioner-Management challenged the said award by way of present writ petition. This Court, while issuing notice of motion, vide order dated 05.11.2015, granted interim stay qua back wages only. Resultantly, petitioner-Management reinstated the workman in service, who after attaining the age of superannuation retired from service on 31.03.2017.

3. After making some deliberation and persuasion, parties decided to settle the dispute amicably and thereupon on the previous date of hearing i.e. 16.04.2024, following order was passed:

*“Present: Mrs. Abha Rathore, Advocate
for the petitioner.
Mr. Bharat Bhushan Sharma, Advocate
for respondent No.2*

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1. By way of present writ petition, petitioner - M/s Di Gi Drives Pvt. Ltd., being Managment, has assailed the the award dated 23.07.2015 (Annexure P-8), whereby, learned Industrial Tribunal-cum-Labour Court-III, Faridabad (for brevity, 'learned Tribunal') has answered the Reference No.R/162/12, under Section 10(1)C) of the Industrial Disputes Act, 1947 (in short, 'ID Act'), in favour of respondent No.2 - workman, while holding that the termination of the workman, from his service was illegal.

Learned Tribunal observed that the workman is entitled to be reinstated with continuity of service from the date of retrenchment, along with 50% back-wages and all other statutory benefits.

2. Counsel appearing for respondent No.2 - workman submits that after passing of the award (P-8), workman was reinstated and joined the services. However, in the present writ petition,

while issuing notice motion vide order dated 05.11.2015, only the payment of back-wages was stayed. It is further informed to the Court that after attaining the age of superannuation, the workman has already retired on 31.03.2017. However, he claims that workman is entitled for the back wages, as awarded by the learned Tribunal. According to the counsel for workman, the total wages payable by the management to the workman is around Rs.10.00 lakhs.

3. On the other hand, after seeking relevant instructions from the representative of the petitioner - Management, namely; Babu Singh Bhati, Accounts Manager, Mrs. Abha Rathore, Advocate submits that on the next date of hearing, petitioner - Management is ready to present a Demand Draft of Rs.5.00 lakhs in the name of the workman before this Court, subject to the acceptance of it by respondent No.2 - workman towards all his claims pending against the management, before this Court or any other Court.

4. Upon this, Counsel appearing on the behalf of respondent No.2 - workman, after obtaining necessary instructions from his client namely; Daya Nand (respondent No.2 - workman), who is also present in the Court, submits that the proposal given by the petitioner - Management, is acceptable to him.

5. Adjourned to 25.04.2024.

6. Let a Demand Draft of Rs. 5,00,000/- (Five lakhs only) be presented by the petitioner - Management, in the name of respondent No.2 - workman, in Court, on the next date of hearing.

To be taken up at 2:00 PM”

4. Today, Mr. Babu Singh Bhatti, Accounts Manager of the petitioner-Company is present alongwith Mrs. Abha Rathore, Advocate and with a demand draft bearing No.156359 dated 23.04.2024, amounting to Rs.5,00,000/- (Rupees five lacs) in the name of respondent No.2-Daya Nand (workman). Learned counsel for the petitioner has handed over the demand draft to the learned counsel for the respondent No.2 in the Court today and the same is further

handed over to respondent No.2-workman, who is present in Court today.

Photocopy of the demand draft is taken on record and Mark as 'X'. Registry is directed to tag the same at appropriate place in the paper book.

5. In continuation of the stand of the parties recorded in the order dated 16.04.2024, it is agreed in common by both the sides that the amount of Rs.5,00,000/- (Rupees Five lacs), which is paid today to respondent No.2-workman, in the shape of demand draft, would be towards all the claims, except for the entitlement of the workman, towards the Provident fund amount. Said right, if any exists, it will be open to claim the same separately.

6. For clarification purpose, the settlement was prepared and signed by both the parties. The copy of the settlement-deed is also produced in the Court today, same is taken on record and marked as 'Y'. Registry is directed to tag the same at appropriate place with the paper book for making it part of the record.

7. In the said backdrop of circumstances, recorded hereabove and with the assistance of counsel for the parties, since all the disputes raised through demand notice have been settled successfully, to the view point of this Court, no purpose would be served by keeping the present petition pending.

Since parties to the *lis* have settled the dispute amicably,
writ petition is **disposed of** with the abovementioned terms.

Parties would be bound by the terms of settlement.

April 25, 2024	[SANJAY VASHISTH]
<i>rashmi</i>	JUDGE
Whether speaking/reasoned	yes/no
Whether reportable?	yes/no