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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7186/2019

M/S HINDUSTAN TIMES LTD. Petitioner

Through: Mr. Rajat Arora, Mr . Sourabh Mahla,
Mr. Ravi Ranjan Mishra, Advocates

versus

SHASHI KUMAR PANDEY Respondent

Through: Ms.____, Advocate
(Appearance not given)
with respondent in person.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **21.02.2024**

CM APPL. No. 8320/2024

1. The present application has been filed jointly on behalf of the parties seeking disposal of the captioned writ petition submitting to the effect that the dispute between the parties stands settled in terms of the settlement arrived at between the parties before the Delhi High Court Mediation & Conciliation Centre *vide* settlement agreement dated 9th January, 2024.
2. Learned counsel appearing on behalf of the petitioner submitted that the captioned writ petition was filed against the impugned award dated 7th February, 2019, passed in LIR No.4813/2016, wherein the learned Labour Court reinstated the respondent with 50 % back wages.
3. It is submitted that the Predecessor Bench of this Court *vide* order dated 8th July, 2019, had directed the petitioner to deposit the 50% of the amount as determined by the learned Labour Court with the Registry of this Court.
4. It is submitted that in furtherance to the above, the petitioner



deposited a sum of Rs.12,62,731/- vide FDR bearing no. 247173 dated 26th August, 2019, with the Registrar General of this Court on 5th August, 2019.

5. It is further submitted that the Predecessor Bench of this Court vide order dated 7th November, 2023, referred the present matter for meditation before the Delhi High Court Mediation and Conciliation Centre.

6. It is submitted that during the course of mediation, both the parties reached to a mutual settlement and accordingly an agreement dated 9th January, 2024, was executed among both the parties.

7. It is submitted that as per paragraphs no. 8(a) and 8(b) of the settlement agreement dated 9th January, 2024, the following has been agreed to between the parties:

“8. The following settlement has been arrived at between the Parties hereto:

(a) It has been agreed and undertaken by the parties that a sum of Rs. 10,00,000/- (Rupees Ten Lakhs only) plus the interest accrued on the deposited amount of Rs. 12,62,731/- (Rupees Twelve Lakhs Sixty Two Thousand Seven Hundred and Thirty One Rupees only) shall be released in favour of the Second Party by the Registrar General of the High Court of Delhi as full and final Settlement Agreement towards all his Claims and dues.

(b) That out of deposited amount of Rs. 12,62,731/- (Rupees Twelve Lakhs Sixty Two Thousand Seven Hundred and Thirty One Rupees only), the balance amount of Rs. 2,62,731/- shall be paid/returned to the First Party by the Registrar General of the High Court of Delhi.”

8. It is submitted that in view of the aforesaid settlement, it has been agreed upon by the parties that out of the total amount deposited with the Registry in terms of the order dated 8th July, 2019; only Rs.10,00,000/- plus the interest accrued on the total deposited amount shall be released in favour



of the respondent as part of the full and final settlement towards all his claims and dues, and the balance amount of Rs.2,62,731/- shall be released in favour of the petitioner.

9. Learned counsel appearing on behalf of the respondent along with respondent appearing in person, does not refute the submissions made by the learned counsel appearing on behalf of the petitioner.

10. In view of the above submissions and no objection on behalf of the respondent as well as the above settlement agreement, the instant application is allowed.

11. Accordingly, the application stands disposed of.

W.P.(C) No. 7186/2029

1. The matter is listed for 2nd May, 2024 and taken up today in terms of the order of even date in CM APPL. No.8320/2024, which is a joint application filed on behalf of the parties, seeking disposal of the petition in terms of the settlement dated 9th January, 2024 arrived at between the parties before the Delhi High Court Mediation & Conciliation Centre.

2. Heard the learned counsel appearing on behalf of the parties and perused the terms of the settlement agreement dated 9th January, 2024.

3. The terms of the settlement dated 9th January, 2024 are reproduced as under:

“8. The following settlement has been arrived at between the Parties hereto:

(a) It has been agreed and undertaken by the parties that a sum of Rs. 10,00,000/- (Rupees Ten Lakhs only) plus the interest accrued on the deposited amount of Rs. 12,62,731/- (Rupees Twelve Lakhs Sixty Two Thousand Seven Hundred and Thirty One Rupees only) shall be released in favour of the Second Party by the Registrar General of the High Court of



Delhi as full and final Settlement Agreement towards all his Claims and dues.

(b) That out of deposited amount of Rs. 12,62,731/- (Rupees Twelve Lakhs Sixty Two Thousand Seven Hundred and Thirty One Rupees only), the balance amount of Rs. 2,62,731/- shall be paid/returned to the First Party by the Registrar General of the High Court of Delhi.

(c) It has been agreed between the parties that after receipt of the aforesaid full and final settlement amount to the Second Party, the Second Party shall not make any claim of whatsoever nature with regard to the aforesaid Award dated 07.02.2019, nor shall file any claim, petition, complaint, suit, application etc. against the First

Party with regard to his employment i.e. reinstatement, arrears of salary, gratuity, PF, bonus, compensation etc., and the Award dated 07.02.2019 will be deemed fully satisfied in all respects. However, the First Party shall cooperate and sign necessary documents for release of family pension of the Second Party from EPFO Department.

(d) It has been agreed that the aforesaid Writ Petition filed before the Hon'ble Delhi High Court against the Second Party, shall be disposed of in terms of this Settlement Agreement, and Award dated 07.02.2019 passed by the Learned Labour Court, Delhi, shall stand modified and deemed fully satisfied for all legal purposes.

(e) It is further agreed and undertaken by the Second Party that after receipt of settlement amount, the Second Party shall have no claim of whatsoever nature including re-instatement, backwages, provident fund, gratuity, bonus and any other benefits and all his claims regarding any kind of past, present and future benefits of his employment with the First Party and M/s HT Media Ltd also, shall stand settled and satisfied fully and finally. The Second Party agrees that he will not raise any such claim in future before any Forum with regard to his employment i.e. reinstatement, arrears of salary, gratuity, PF, bonus, compensation etc.

(f) It is clarified by the Second Party that the Provident Fund lying deposited with the Provident Fund department has



already been withdrawn by the Second Party and whereas the First Party shall cooperate for release of EPFO Family Pension, if any by signing necessary documents.

(g) Both the Parties shall pray to the Hon'ble Delhi High Court that the present W.P(C) No.7186/2019 may be disposed off in terms of the present Settlement Agreement, and all claims, including Award dated 07.02.2019, may have been declared as fully satisfied, for which both the parties have already agreed upon and have given their undertaking to do so."

4. In view of the above, this Court is of the considered view that as the parties have settled their disputes amicably, therefore, no fruitful purpose would be served by the continuation of the present writ petition.
5. The petition is thus disposed of in light of the above terms.
6. Pending applications, if any, also stand disposed of.
7. Interim order granted *vide* order dated 8th July, 2019 stands vacated and the date 2nd May, 2024 stands cancelled.

CM APPL. No. 10506/2024

1. The present application under Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of the petitioner seeking the following reliefs:

“(a) Direct the Registry/Registrar General of this Hon’ble Court to release the amount of Rs.10/- Lakhs plus accrued interest on the entire deposited amount of Rs.12,62, 731.00/- in favour of the respondent and release the balance amount of Rs.2,62,731.00/- in favour of the petitioner.

(b) Pass any other further order/direction as the Hon’ble Court may deem fit and proper in the facts and circumstances of the present case.”

2. This Court has perused the contents of the instant application along



with the terms of the settlement agreement dated 9th January, 2024. Since the captioned writ petition, i.e., W.P.(C) 7186/2019 is disposed of as per the terms of the settlement before the Delhi High Court Mediation & Conciliation Centre, this Court is inclined to grant the reliefs as prayed for in terms of paragraphs no. 8(a) and 8(b) of the settlement agreement dated 9th January, 2024. Accordingly, the following directions are issued:

- a. The Registrar General, Delhi High Court is directed to release the amount of Rs.10,00,000/- plus the interest accrued on the total deposited amount in favour of the respondent on submission of proof of his identity, and;
 - b. The Registrar General, Delhi High Court is also directed to release the remaining amount of Rs.2,62,731/- to the authorized representative of the petitioner on submission of proof of identity and valid authorization given by the petitioner.
3. The application is thus disposed of in above terms.

CHANDRA DHARI SINGH, J

FEBRUARY 21, 2024
SV/DA

Click here to check corrigendum, if any