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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 12433/2023, CM APPLs. 58544/2023, 49015/2023 & 56623/2023

M/S EMSONS RADIO CORPORATION

.....Petitioner

Through: Mr. Akshit Sachdeva and Mr. Arun Kumar, Advocate

versus

THE CONTROLLING AUTHORITY & ANR.Respondents

Through: Mr. Yeeshu Jain and Ms. Jyoti Tyagi
Advocate
Mr. Chandan, Advocate for R2

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

16.12.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

1. The petitioner sought direction to respondent no. 1 to pass a speaking and reasoned order on petitioner's application under Rule 11(5) of the Payment of Gratuity Rules on 04.10.2023, the date fixed before the controlling authority. The admitted position is that on 04.10.2023, the controlling authority dismissed the said application. According to the respondents, order dated 04.10.2023 has made the present petition infructuous as the application was rejected as time barred. On the other hand, the petitioner contends that the order dated 04.10.2023 is not sustainable in the eyes of law and also in view of this Court's order dated 21.09.2023.



2. After addressing partly, learned counsel for petitioner on instructions of his client seeks permission to withdraw this writ petition with liberty to file fresh petition assailing order dated 04.10.2023 and requests that till the fresh petition is heard, operation of the ex-parte award dated 29.03.2023 be stayed.

3. Considering the above circumstances, the writ petition and the accompanying applications are dismissed as withdrawn with liberty as sought, but it is made clear that the protection against operation of the ex-parte award dated 29.03.2023 shall be extended only for a period of one week from today during which the fresh petition, if so advised shall be filed.

GIRISH KATHPALIA, J

DECEMBER 16, 2024/as

Click here to check corrigendum, if any