



2024:DHC:6759



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 03rd September, 2024***+ **FAO 405/2016 & CM APPL. 51014/2024****M/S NARAIN SERVICE STATION**

.....Appellant

Through: Mr. Mohit Batra, Advocate (through
VC).

versus

GOVT OF NCT OF DELHI & ANR

.....Respondent

Through: None.

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. The present appeal has been filed under Section 30 of the Workmen's Compensation Act, 1923.
2. Challenge is to the order dated 26.05.2016 passed by the learned Commissioner concerned whereby the appellant herein has been directed to pay/deposit a sum of Rs. 82,500/- along with 12% simple interest per annum from the date of the accident till its realization.
3. Notice was issued and appeal was, eventually, admitted on 21.10.2016.
4. However, in the interregnum, the parties have settled out the matter and, therefore, the appellant has moved an application praying therein that it may be permitted to withdraw the present appeal and the amount which had been deposited in the shape of FDR be also returned.



5. It is submitted that when the matter between the same parties was pending before the learned Labour Court, the parties have already settled the matter. The attention of this Court has been drawn towards the proceedings which took place before the learned Presiding Officer, Labour Court-XVI, Rouse Avenue Complex on 06.03.2020.

6. Both the parties including the workman in question have settled all the disputes pertaining to the aforesaid Labour Industrial Reference as well as the present appeal i.e. FAO No. 405/2016 and in terms of such settlement Rs.80,000/- has already been received by the workman. Statements of the workman and of the concerned Authorized Representative of the Management were also recorded by the learned Labour Court.

7. The workman has, very categorically, stated before the learned Presiding Officer of the Labour Court that all the disputes stand settled and now nothing was due from the management.

8. In view of the above, the present application seeking withdrawal is allowed and resultantly, the appeal is disposed of as settled and satisfied.

9. It is noticed that when the present appeal was taken up by this Court on 22.08.2016, the operation of the impugned award was directed to be stayed, subject to deposit of the awarded amount with interest. Learned counsel for appellant states that such amount was accordingly, deposited with the learned Registrar General of this Court.

10. In view of the above said settlement and as nothing is now due to the workman, let the amount under said FDR including interest up to date be



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returned to the appellant.

11. The appeal stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

SEPTEMBER 3, 2024/sw