

(1998) 11 DEL CK 0089

In the Delhi High Court

Case No : C.M. No. 5665/98 in C.W.P. No. 2476 of 1988

D.C.M. Ltd.

APPELLANT

Vs

Lt. Governor and Others

RESPONDENT

Date of Decision : 01-11-1998

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1999) 48 DRJ 752

Hon'ble Judges : R.C. Lahoti, J; Dalveer Bhandari, J

Bench : Division Bench

Advocate : Sanjiv Anand and Kajal Chandra, for the Appellant;

Final Decision : Dismissed

Judgement

Dalveer Bhandari, J.—This application has been moved on behalf of ten applicants in which a prayer has been made that the appropriate clarification be issued to the D.C.M. Ltd. and to the Court Receiver Shri S.P. Gupta directing them not to dispossess the applicants from their respective residential quarters, unless their entire dues are deposited by the D.C.M. Ltd. in this Court.

2. A reply to this application has been filed on behalf of the non-applicant D.C.M. Ltd. In the order dated 15th May, 1998 the undertaking of the counsel for the D.C.M. Ltd. was recorded in which it is mentioned that whatever is due and payable to any of the applicants either under the law or as per voluntary offer made by the DCM Ltd. shall be paid. It was observed by this court that let the applicants accept the amount paid or tendered by DCM Ltd. and deliver possession of their quarters. If there is any discrepancy or controversy in any individual case as to the quantum of amount, then it may be raised by the concerned individual and the same shall be dealt with in accordance with law.

3. It is also mentioned in the reply that the applicants are not entitled to any benefits or payments under the settlement dated 1.2.1989. They are also not entitled to any compensation under any clause of the settlement. The applicants

are, however, being offered Rs. 14,400/- voluntarily against the vacation of the quarters as in other cases. In case the amount of Rs. 14,400/- offered to other workmen for vacating the quarter have not been given, the same shall be paid forthwith. In the reply it is mentioned that the statutory compensation, additional compensation under Clause 15.1 and additional payment under Clause 15.4 of the settlement dated 1.2.1989 were payable only to those workmen who were in the employment of the company at that time and were to be affected/retrrenched by the closure of the D.C.M. Ltd. Those persons who were to lose their jobs due to the inevitable closure were to get their compensation to mitigate their hardship on this account to some extent. The applicants had retired a long time ago before the settlement and were not retrrenched due to the closure and had served their full term with the company up to the age of their superannuation. The applicants, Therefore, are not entitled to any further payment. In reply it is mentioned that on the contrary all these applicants have to pay huge amounts to the D.C.M. Ltd.

4. It is mentioned that only in the case of one applicant Shri Sant Kumar, who was terminated on 23.11.1981 and whose termination was challenged before the Labour Court, the Labour court has vide award dated 22.9.1995 held him entitled to be reinstated with back wages. The D.C.M. Ltd. has challenged the said order in Writ Petition No. 2916/1996 in which this court stayed the operation of the award on 24th of May, 1996. The learned counsel for the D.C.M. Ltd. fairly submitted that in case the applicant Sant Kumar finally succeeds, then the entire amounts due and payable to him shall be paid to him immediately consistently with the decision of this Court in the other Writ Petitions. It is also stated by the learned counsel for the parties that the possession of all the quarters have been taken in pursuance to the judgments of this Court which were affirmed by the Supreme Court of India.

5. On consideration of the totality of the facts and circumstances, The application is devoid of any merit and the same is, accordingly, dismissed. No costs.