
(2021) 12 DEL CK 0208

In the Delhi High Court

Case No : Civil Writ Petition No. 415 Of 2020, Civil Miscellaneous Application No. 1136 Of 2020

HT Media Ltd.

APPELLANT

Vs

Gnct Of Delhi And Anr

RESPONDENT

Date of Decision : 23-12-2021

Acts Referred:

Citation : (2021) 12 DEL CK 0208

Hon'ble Judges : Prathiba M. Singh, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

Prathiba M. Singh, J

1. This hearing has been done in physical Court. Hybrid mode is permitted in cases where permission is being sought from the Court.

2. The challenge in this writ petition is to the impugned reference dated 27th May 2019 passed by the Deputy Labour Commissioner, New Delhi

District in F. No. 24(38)/11/WJA/DLC/NDD/2015/4073 filed by the Respondent No.2/Laxman Raut/Workman (hereinafter â??Workmanâ?) against

the management of HT Media (hereinafter â??Managementâ?) in respect of claims of arrears of wages raised by the Workman whose details are as

under:

â??Laxman Raut,

B-23, Flat No.304,

Vishwakarma Colony, M.B.Road,

New Delhi-110044â??

3. In the earlier round of litigation between the Management and the Workman regarding the same dispute, the parties had settled their issues and a memorandum of settlement (hereinafter "settlement") dated 31st May 2016 was entered into between the Management and the Workman in respect of Workman's claim for arrears in salary. In terms of the said settlement, which was recorded before the Court vide order dated 3rd June, 2016 in WP(C) 11117/2015 & WP(C) 11123/2015 titled HT Media Limited v. Deputy Labour Commissioner & Anr. the following order was passed:

"C.Ms. 23093/2016 & 23091/2016

These joint applications have been filed by petitioner and second respondent with a prayer to dispose of the main writ petition in terms of

Memorandum of Settlement of 31st May, 2016.

Learned counsel for petitioner submits that the contesting second respondents are present in the court and they have been identified to be

so on the basis of the identity proof produced by them.

The second respondents, who appear in person, submit that the Memorandum of Settlement, which is Annexure-A Colly, to the instant

applications, has been acted upon and so, the impugned Notice/Summon of 16th November, 2015 summoning petitioner ought to be set

aside.

The applications are duly accompanied by the aforesaid Memorandum of Settlement, affidavits of the parties and the settlement, which has

been arrived at between the parties appears to be fair and since this settlement has been acted upon, therefore, these applications are

allowed and the impugned Notice/Summons is hereby quashed in light of Memorandum of Settlement of 31st May, 2016.

W.P.(C) 11117/2015 & C.M.28793/2015

W.P.(C) 11123/2015 & C.M.28807/2015

In view of orders passed above in C.Ms. 23093/2016 & 23091/2016, these petitions and the pending applications are disposed of. The date

of 4th August, 2016 fixed in these petitions stand cancelled."

4. As per the Terms of Settlement, the Workman was to be paid Rs. 2,00,000/- towards expenses and compensation as full and final settlement of all

the disputes/claims/demands/dues of any kind whatsoever against the

Management. It is not disputed that the said amount was duly paid by the Management. The case of the Management is that the said amount having been paid, the same very issues could not be re-agitated by the Workman and hence the impugned reference which ignores the earlier settlement entered into between the parties is not tenable.

5. In this matter, notice was issued on 14th January, 2020. Counter affidavits have been filed by the Workman. However, thereafter they have stopped appearing in the matter.

6. Perusal of the earlier orders and the settlement as also the cheque payment and the receipts which are placed on record by the Management shows that the workman has been paid the agreed amounts and in fact much higher amount, has been paid by the management as per mutual understanding in lieu of the settlement of claims/demands/disputes etc. against the Management.

7. In view of the aforesaid, the filing of the claim petition by the Workman once again and issuance of summons against the Management, as also the framing of the reference by the Id. Deputy Labour Commissioner would be contrary to the settlements entered between the parties and recognised by this Court which has already attained finality.

8. Accordingly, the impugned reference orders dated 27th May, 2019 is quashed.

9. No further orders are called for. The petition is disposed of. The pending application is disposed of.