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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LPA 521/2022, CM APPL. 39961/2022 –Stay, CM APPL. 39962/2022 -17-B, CM APPL. 39963/2022 -Dir., CM APPL. 39964/2022 -O-41, R-27 & CM APPL. 39965/2022 -Delay 62 days (RF).

ASHOK KUMAR BHATIA

..... Appellant

Through: Counsel (appearance not received)
along with the appellant in person.

versus

ASSISTANT GENERAL MANAGER, STATE BANK OF INDIA

..... Respondent

Through: Mr.Rajiv Kapur, Mr.Akshit Kapur &
Mr.Aditya Saxena, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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16.05.2024

1. The present appeal under Clause X of the Letters Patent seeks to assail the order dated 17.12.2021 passed by the learned Single Judge in W.P.(C)7584/2017. Vide the impugned order, the learned Single Judge has allowed the writ petition preferred by the respondent/bank by modifying the relief granted to the appellant under award dated 28.12.2016 by granting him lumpsum compensation of Rs. 20 lakhs in lieu of reinstatement with full back wages which was granted by the Labour Court.
2. Since it transpires that being aggrieved by the impugned order, the respondent has also preferred an appeal being LPA 123/2022, which appeal is listed on 23.07.2024, we are of the view that both appeals



should be taken for consideration together. However, taking into account that despite the industrial award being in his favour and the learned Single Judge also having directed that he be paid a sum of Rs. 20 Lakhs as lumpsum compensation, the appellant has not received any amount since his dismissal on 08.06.2010, we are, of the view that the respondent should without prejudice to their rights and contentions in the two appeals, for the present pay a sum of Rs.7,50,000/- to the appellant. The appellant, who is present in Court, submits that in case, this Court were to later direct that this amount should be refunded to the respondent, he will comply with the said directions.

3. Accordingly, while adjourning the matter, the respondent is directed to pay a sum of Rs.7,50,000/- to the appellant within a period of two weeks.
4. Needless to state, the release of the said amount will remain subject to the outcome of the present appeal and will be without prejudice to the rights and contentions of both the parties.
5. List along with LPA 123/2022 on 23.07.2024

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 16, 2024

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