

\$~9

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Judgment delivered on: 31<sup>st</sup> July, 2014*

+ W.P.(C) 7233/2012

M/S S R M (INDIA) LTD

..... Petitioner

Represented by: Mr. R.D. Bansal, petitioner in person.

versus

SH. AMARJEET AND ORS

..... Respondents

Represented by: Mr. Rama Shankar, Adv. for R1 and R3.

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KAIT**

**SURESH KAIT, J. (Oral)**

1. The petitioner was heard in length on 25.07.2014, wherein it was recorded as under:

*“1. Vide the present petition the petitioner has assailed ex-parte award dated 18.08.2011 passed in Case No. S&E/50-51/NW/10/2010/1085-86 titled as “Amarjeet vs. M/s. S.R.M. (India) Ltd.” and seeks setting aside of order dated 25.05.2011 passed by the said authority whereby the petitioner was proceeded ex-parte.*

*2. He further seeks directions to respondent Nos.1 & 2 to submit copy of their original appointment letters.*

*3. Mr. R.D. Bansal, the petitioner appearing in person submits that the present case is of errors, mistakes, misrepresentation, dishonesty in collusion harming to the petitioner with conspiracy, misconduct, cheating, fraud, forgery, blackmailing, threatening deliberately and intentionally by ignoring admitted documents, breach of trust and not performing*

*duty well in violation of laws. Moreover, the respondents admitted to grab money from the management/ petitioner in a systematic way by labour union through workers of the union to provoke them to prepare false, fabricated and forged documents. Accordingly, filed the claim case before the authorities whereby the impugned order has been passed.*

*4. Mr. Bansal submits that pursuant to the advertisement dated 21.12.2008 the respondent No.1 Amarjeet joined his company on 09.01.2009. Thereafter, in the month of October, 2009 he demanded Rs.50,000/- from him for medical treatment/operation of his father. He agreed to pay Rs.20,000/-, which was not accepted by R1. Therefore, he left the job on 05.11.2009 from the petitioner's Company.*

*5. The petitioner further submits that the respondent No.1 Amarjeet on filing the claim before the Labour Court had taken a shelter of appointment letter dated 09.01.2008 which is at page 116 of the petition which is forged one. Also claimed that the petitioner had issued first cheque in on 17.03.2009 for an amount of Rs.19,000/- and second cheque on 05.11.2009 for an amount of Rs.17,774/-.*

*6. He further submits that the respondent No.2 Sanjeev Patial has claimed the appointment letter dated 16.12.2008, which is at page 125 of the petition which is also forged one.*

*7. The petitioner advertised on 08.11.2009 and pursuant to the said advertisement Mr. Sanjeev Patial joined on 16.12.2009 and left the job on 05.01.2010.*

*8. He submitted that both the appointment letters claimed by the respondent Nos.1 and 2 are forged. The respondent No.2 Sanjeev Patial sent his Resume through e-mail to the petitioner on 09.11.2009, which is at page 132 and has claimed his appointment with the petitioner vide appointment letter dated 16.12.2008. To prove the forgery on the part of the respondent No.2 the petitioner has downloaded a web link and taken a print out of the same on 28.08.2012, which is at page 136-137 of the petition.*

9. *Thereafter on 24.02.2010 the respondent No.2 Sanjeev Patial sent a threatening mail to the petitioner stating as under: -*

*“R.D. Bansal Sir,*

*As I requested earlier to release my 21 days salary but you are not interested, am going to produce my application to Labour commissioner and district magistrate and CBI to ask the SRM Indi days salary as penalty for because I haven't got any notice period while working going to claim genuine salary and one month extra salary by 3<sup>rd</sup> march 2010 a claim for professionally and mentally harassment by SRM India after my joining.*

*This is Better for you to deposit my salary (666\*21=14000) in My Axis Bank A/c 250010100102414 latest by 2<sup>nd</sup> march without any deduction.*

*I wish I could end up with SRM with happy note but this is might be not you are.*

*And this time I will not inform you any further.*

*Regards,  
Sanjeev Patial”*

10. *On receiving the aforesaid threatening mail, the petitioner approached the learned Magistrate by filing the application under Section 156(3) Cr.P.C. in the year 2012, which is pending for disposal and the learned Magistrate is not disposing of the same for the reason the present petition is pending before this court.*

11. *The petitioner further submits that he had office in DDA Flats, Keshav Puram, which was shifted to Nangloi in and around May, 2010. In the year 2011, the DDA Flats, Keshav Puram were commercialised by the MCD. Accordingly, he paid the penalty applicable and again started his business from the said DDA flats.*

12. *In the month of April, 2010 the petitioner received demand notice from both the claimants and notice dated 09.04.2010 from the office of Deputy Labour Commissioner. The petitioner filed*

*the reply on 15.04.2010 and 19.04.2010, which is at page 143-144 and 150 respectively. Through reply dated 15.04.2010 the petitioner sought documents from the claimants as under: -*

- “(A) HIS BANK DETAILS FOR VARIFICATION OF SALARY*
- (B) HIS SALARY SLIP*
- (C) TDS CERTIFICATE*
- (D) INCOME TAX BALANCE SHEET WITH ACKNOWLEDGMENT*
- (E) PURCHASE ORDERS RECORD DURING HIS JOB*
- (F) CUSTOMERS PAYMENTS/ CHEQUE COLLECTION DETAILS*
- (G) MOBILE NUMBER AND ITS DETAILS WHICH HE HAD USED DURING THE JOB*
- (H) VISITING CARD DURING HIS JOB*
- (I) HOW HE APPROACHED SRM FOR GETTING JOB? WHAT WAS THE MODE OF INFORMATION?*
- (J) HAVE ANY OTHER PERSON JOINED THE SAME DAY? WHAT WAS HIS NAME?*
- (K) HOTEL BILLS/ OTHER COMPANY RELATED DOCUMENTS DURING HIS JOB*
- (L) DETAILS OF HIS TRAINS TOURS/ OTHER TYPE TOURS DURING HIS JOB*
- (M) COMPOSITION OF THE MATERIALS WHICH COMPANY PRODUCING – AS PER HIM HE HAD ALREADY SOLD THESE MATERIAL*
- (N) CUSTOMERS LIST – WHERE HE HAD SOLD THE MATERIAL”*

*13. He also informed the Inspector Labour that Mr. Sanjeev Kumar Patial has forged and fabricated documents which can be*

*verified from the contents of the photocopies of the appointment letters, which he had produced along with the complaint before the Tribunal.*

*14. The petitioner also requested the Inspector that in case Mr. Sanjeev Patial still insists for his appointment and do not want to compromise the matter then ask him to produce the documents as noted above.”*

2. After hearing the petitioner, it reveals that the claimants / respondent nos. 1 and 2 had forged the appointment letter and accordingly filed complaint for compensation.

3. Pursuant to order dated 25.07.2014, respondent no. 1, Amarjeet Singh has appeared in the Court and submits that he does not press on the amount passed in the impugned order dated 18.08.2011. Further submits that the petitioner has filed a petition against him under Section 156 (3) Cr.P.C, which is pending for adjudication. Since he is not pressing the amount as directed by the Ld. Tribunal, the petitioner be directed to withdraw the said case against him.

4. The petitioner, who is present in the Court, submits that in view of the statement made by respondent no. 1, he shall withdraw the case against him.

5. I note, vide the impugned award as noted above, Ld. Tribunal directed to pay Rs.4,09,250/- to respondent no. 1 and Rs.45,500/- to Sh. Sanjeev Patial, respondent no. 2.

6. It is pertinent to note that despite the notice served upon respondent no.2, he has neither filed any execution nor has appeared in the present case.

7. Keeping in view the facts recorded above, award dated 18.08.2011 is set aside.

8. Accordingly, instant petition is allowed in above terms.

9. I note, pursuant to order dated 07.12.2012, petitioner deposited an amount of Rs.4,34,950/- with the Registrar General of this Court and same was invested in FDR. Accordingly, Registrar General of this Court is directed to release the amount with interest accrued thereon in favour of the petitioner.

10. I further note that during the pendency of the claim petition before the Tribunal, petitioner had paid Rs.10,000/- each to respondent nos. 1 and 3. Since the petition is allowed, the respondent no. 1 is directed to repay his share of amount to the petitioner within 15 days from today.

11. I here make it clear that though the petitioner has withdrawn the case against respondent no. 1, however, the case under Section 156 (3) pending against respondent no. 3 and others shall continue before the concerned court.

**CM. NO. 18657/2012**

With the disposal of the instant petition itself, instant application has become infructuous and disposed of as such.

**SURESH KAIT, J**

**JULY 31, 2014**

*jg*