

ITEM NO.5

Virtual Court 4

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No.7143/2020

(Arising out of impugned final judgment and order dated 06-09-2019 in LPA No. 578/2019 06-12-2019 in RP No. 509/2019 10-12-2019 in RP No. 509/2019 passed by the High Court Of Delhi at New Delhi)

MANJU SAXENA

Petitioner(s)

VERSUS

THE HONGKONG AND SHANGHAI BANKING CORPORATION LTD. Respondent(s)

(With appln.(s) for interim relief, c/delay in filing SLP and permission to appear and argue in person)

Date : 13-07-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s)

Petitioner-in-person

For Respondent(s)

Mr. Sanjay Gupta, Adv.
Mr. Ateev Mathur, Adv.
Mr. Gagan Gupta, AOR

UPON hearing the counsel the Court made the following
O R D E R

- 1 Delay condoned.
- 2 We have heard the petitioner, who appears in person and Mr Sanjay Gupta, learned counsel appearing on behalf of the respondent.

- 3 From the record of the proceedings, it is evident that the dispute has attained finality with the order of this Court dated 3 December 2018, passed by a Bench of which one of us (Indu Malhotra, J.) was a member.
- 4 The order of this Court which is annexed at Annexure P-24 to the present proceedings clearly indicates that the entire claim of the petitioner would stand settled in terms of the amount of Rs 1,07,73,736. Paragraphs 5.4 and 6 of the order read as follows:

"5.4 The Appellant has admittedly received an amount of Rs.1,07,73,736/- under various heads:

| <u>Heads</u> | <u>Amount (in Rs.)</u> |
|----------------------------------|------------------------|
| Towards Notice Period | 1,77,684/- |
| Severance Pay | 6,39,387/- |
| Gratuity | 3,81,209/- |
| Back Wages pursuant to Execution | 8,00,000/- |
| Towards Interim Award | 33,19,096/- |
| Payments made under S.17B | 54,56,360/- |
| Total | 1,07,73,736/- |

6. In light of the discussions above, the afore-said amounts received by her may be treated as a final settlement of all her claims. The impugned judgment of the Division bench dated 14.07.2017, is modified to this extent."

- 5 The petitioner moved an application for modification which was dismissed as withdrawn on 1 July 2019. The application for review has been dismissed. Hence, we see no merit in

the Special Leave Petition. The Special Leave Petition is dismissed.

6 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
AR-cum-PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER