

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

+ **W.P.(C.) No. 503/2009**

% **Date of Decision: 20th October, 2009**

V.K. TALWAR

..... PETITIONER

! Through: Mr. B. Chaturvedi, Advocate.

VERSUS

\$ PRESIDING OFFICER, LABOUR COURT-IX AND OTHERS

....RESPONDENTS

^ Through: NEMO.

CORAM:

Hon'ble MR. JUSTICE S.N. AGGARWAL

1. Whether reporters of Local paper may be allowed to see the judgment? **NO**
2. To be referred to the reporter or not? **NO**
3. Whether the judgment should be reported in the Digest? **NO**

S.N.AGGARWAL, J (ORAL)

The petitioner, Mr. V.K. Talwar, in this writ petition, seeks to challenge an industrial award dated 10.09.2008 in ID No. 331/85 (old)/ID No. 1856/94 (new) awarding compensation of Rs. 2 lakhs to him in lieu of his claim for reinstatement and back wages for alleged termination of his services by the management of the respondent with effect from 07.12.1983.

2. Heard on admission.

3. The petitioner had joined the service with the management of respondent no. 2 as Junior Engineer (Electrical) on 31.10.1981. On 10.11.1983, he was transferred to Korba, Madhya Pradesh. The petitioner challenged his transfer from Delhi to Korba by filing a suit for

permanent injunction restraining the management of respondent no. 2 from transferring him from New Delhi to Korba. He got an ex parte stay against his transfer from the Court of the then Sub-Judge, First Class, Delhi on 15.11.1983. However, on 07.12.1983, the management of the respondent no. 2 terminated the services of the petitioner along with his co-worker, Mr. Ajay Kumar. Mr. Ajay Kumar whose services were terminated by the management of respondent no. 2 is stated to have challenged his termination by filing a writ petition in this Court whereas the present petitioner opted his remedy for challenging his termination under the Industrial Disputes Act, 1947. The petitioner's co-worker Mr. Ajay Kumar, is stated to have been awarded compensation by the Hon'ble Supreme Court. On being asked, Mr. B. Chaturvedi, counsel appearing on behalf of the petitioner could not tell the amount of compensation given by the Supreme Court to the petitioner's co-worker Mr. Ajay Kumar. He also could not point out any order on record to show as to what compensation was awarded by the Supreme court to Mr. Ajay Kumar for termination of his services by the management of respondent no. 2.

4. The Labour Court vide its earlier award dated 15.05.2000 in ID No. 1856/1994 had decided the case against the petitioner. The petitioner had challenged the award of the Labour Court dated 15.05.2000 by filing a writ petition in this Court being WP(C) No. 3886/2000 which was finally disposed of vide order dated 10.08.2006. The case was remanded back to the Labour Court for fresh adjudication and a complaint under Section 340, Cr.P.C. was ordered to be registered against the petitioner for committing perjury by filing a false affidavit regarding his non-employment in the proceedings before the Labour Court. It is pursuant to the remand order dated 10.08.2006 that the impugned award has been

passed by the Labour Court awarding compensation of Rs. 2 lakhs in favour of the petitioner in lieu of his claim for reinstatement and back wages.

5. On being repeatedly asked, the learned counsel appearing on behalf of the petitioner, could not point out any perversity or illegality in the impugned award. This court is of the opinion that the petitioner against whom complaint under Section 340, Cr.P.C. has been ordered to be registered by this Court for filing a false affidavit of non-employment, is not entitled for any discretionary relief in exercise of its writ jurisdiction by this Court.

6. The compensation of Rs. 2 lakhs awarded in favour of the petitioner by the Labour Court appears to be quite reasonable and does not call for any further interference.

7. In view of what has been stated above, I do not find any merit in this writ petition which fails and is hereby dismissed in limine.

OCTOBER 20, 2009
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S.N.AGGARWAL, J