

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

+ **W.P.(C.) No. 12355/2009**

% **Date of Decision: 13th October, 2009**

ANIL SHARMA
..... PETITIONER

Through: Mr. Varun Prasad, Advocate.

VERSUS

\$ M/S CENTRAL SOIL AND MATERIAL RESEARCH STATION

....RESPONDENT

^ 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)

C.M. No. 12756/2009 in W.P.(C.) No. 12355/2009

This is an application filed by the petitioner for condonation of delay in re-filing of the petition.

Having regard to the submissions made by the counsel for the petitioner, delay in re-filing of the petition is condoned.

W.P.(C.) No. 12355/2009

The petitioner workman in this writ petition seeks to challenge an industrial award dated 30.06.2008 in I.D. No. 84/1996 passed by the CGIT, New Delhi, awarding him compensation of Rs. 50,000/- in lieu of his claim for reinstatement and back wages for alleged termination of his services by the management of the respondent w.e.f. 15.04.1990.

2. Heard on admission.

3. The petitioner was employed by the respondent management in its Canteen as Coupon Clerk on daily wage basis w.e.f. 23.04.1989. His appointment was for a specified period. He was disengaged from service after the period for which he was employed was over. The petitioner claimed it to be termination and raised an industrial dispute which was referred by the appropriate Government in the Government of NCT of Delhi for adjudication to the Labour Court.

4. I have gone through the impugned award carefully. The entire award is loaded against the petitioner. The Court below has found that the petitioner was, in fact, appointed as a daily wager and when a selection against the post on which he was appointed on daily wage basis was made pursuant to interviews held on 31.07.1989, his services were disengaged by the respondent management. All the contentions raised by the petitioner were duly considered by the Labour Court. The compensation of Rs. 50,000/- has been awarded in favour of the petitioner only because the Court below noticed that the notice of termination was not given to the petitioner and for that reason, his disengagement was held to be illegal retrenchment. I am of the view that there is no perversity or illegality in the impugned award particularly when it has awarded a compensation of Rs. 50,000/- in favour of the petitioner even after holding that the petitioner was appointed as a daily wager and was disengaged after the period of his employment was over.

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 13, 2009
'BSR'

S.N.AGGARWAL, J