

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

+ **W.P.(C.) No. 11166/2009**

% **Date of Decision: 26th August, 2009**

SHRI SATYA PAL SINGH

..... PETITIONER

! Through: Mr. Anuj Aggarwal, Advocate.

VERSUS

\$ MUNICIPAL CORPORATION OF DELHI

.....RESPONDENT

^ Through: Mr. Jitendra Kumar, Advocate.

CORAM:

Hon'ble MR. JUSTICE S.N. AGGARWAL

1. Whether reporters of Local paper may be allowed to see the judgment? **YES**
2. To be referred to the reporter or not? **YES**
3. Whether the judgment should be reported in the Digest? **YES**

S.N.AGGARWAL, J (ORAL)

The workman in this writ petition seeks to challenge an award dated 26.11.2007 passed by Ms. Mamta Tayal, Presiding Officer, Labour Court-I, Delhi, awarding compensation of Rs. 40,000/- to him in lieu of his claim for reinstatement and back wages.

2. Heard.

3. The petitioner was appointed as Beldar/Mali on muster roll in the service of Municipal Corporation of Delhi w.e.f. 26.07.1999. He was a daily wager. His services came to an end after expiry of the period for which he was appointed w.e.f. 26.12.1999. He had served with the respondent only for 123 days when his contract of service came to an end. He sent a demand notice asking for his reinstatement to the respondent after 5 years of the date when his contract of service came to an end. The demand notice was sent by him on 17.01.2004. As the

respondent did not respond to the demand notice of the petitioner, the petitioner raised an industrial dispute with regard to his alleged termination by the respondent in 2005 which was referred by the appropriate Government for adjudication to the Labour Court. The Labour Court has awarded a compensation of Rs. 40,000/- to the petitioner in lieu of his claim for reinstatement and back wages noting that the respondent had employed daily wagers even after the contract of service of the petitioner came to an end. The compensation was awarded in favour of the petitioner as the Court below was of the view that it was the duty of the respondent to have first called the petitioner to work with it in stead of appointing fresh appointees. I do not wish to make any comment on this finding of the Court below as there is no challenge to the impugned award before me by the respondent.

4. In the facts and circumstances of the case stated above, I do not find any merit in the argument of Mr. Anuj Aggarwal, learned counsel appearing on behalf of the petitioner, that the compensation awarded by the Labour court to the petitioner is inadequate. By no stretch of imagination it can be said that the compensation of Rs. 40,000/- awarded to the petitioner, who had hardly worked for 123 days with the respondents, is inadequate.

5. For the foregoing reasons, I do not find any infirmity or perversity in the impugned award that may call for an interference by this Court in exercise of its extraordinary discretionary writ jurisdiction under Article 226 of the Constitution of India. This writ petition, therefore, fails and is hereby dismissed in limine.

AUGUST 26, 2009
'bsr'

S.N.AGGARWAL, J