

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

+ **W.P.(C) No. 11792/2009**

% **Date of Decision: 18 September, 2009**

M/S PRECISION PRESSINGS INDUSTRIES PETITIONER
! Through: Mr. Raj Rishi, Advocate.

VERSUS

\$ GOVT. OF NCT OF DELHI & ANOTHER RESPONDENTS
^ Through: Ms. Renuka Arora, Advocate.

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. 11795/2009 in W.P.(C.) No. 11792/2009

Exemption as prayed for is granted subject to all just exceptions.

W.P.(C.) No. 11792/2009 and C.M. No. 11794/2009 (for stay)

The management in this writ petition seeks to challenge an industrial award dated 31.05.2008 by which compensation of Rs. 1.25 lakhs has been awarded in favour of respondent No. 2 workman in lieu of his claim for reinstatement and back wages for illegal termination of his services w.e.f. 16.06.2002.

2. Heard on admission.
3. The respondent No. 2 workman was employed with the petitioner as Power Pressman w.e.f. 16.02.1982. After he had worked for more than 17 years with the petitioner, his services were abruptly terminated by the petitioner w.e.f 16.06.2002. The respondent No. 2 had sent a demand

notice dated 21.06.2002 to the petitioner management to allow him to join duties and the petitioner management did not concede to the request of the respondent No. 2 workman made by him in the demand notice dated 21.06.2002 for his reinstatement. He raised an industrial dispute with regard to his termination which was referred by the appropriate Government in the NCT of Delhi to the Labour Court for adjudication.

4. The management in its written statement filed before the Labour Court took a plea that the respondent No. 2 workman had been absenting from the duties w.e.f 21.05.2002 and according to the petitioner management, the respondent No. 2 was not terminated from service as alleged by him.

5. The issue before the Court below was whether the services of the respondent No. 2 workman were terminated by the petitioner management or he had abandoned the services of the petitioner management of his own. It may be noted that the petitioner management did not produce any evidence before the Labour Court to prove its contention that the respondent No. 2 workman had abandoned the service of his own. The petitioner in its petition in ground (xii) at page 6 of the Paper Book has admitted that he was granted two opportunities by the Court below to produce its evidence before the evidence of the petitioner management was closed vide order dated 23.05.2008. Since the petitioner management failed to produce any evidence to prove its plea of abandonment, I do not find any perversity in the impugned award by which it has been held that the services of respondent No. 2 workman were illegally terminated by the petitioner management. The plea of the petitioner management regarding abandonment even otherwise cannot be believed because the

respondent No. 2 workman after serving for 17 long years with the petitioner could not be believed to have left the services suddenly and in case, if what the petitioner management contends regarding abandonment is correct, then the respondent No. 2 workman would not have raised an industrial dispute with regard to his termination.

6. The Court below has found the termination of respondent No. 2 workman to be illegal. However, in stead of granting relief of reinstatement to him, the Court below in its wisdom has awarded a compensation of Rs. 1.25 lakhs in lieu of his claim for reinstatement and back wages. This compensation of Rs. 1.25 lakhs awarded in favour of respondent No. 2 workman by no means can be said to be excessive or on higher side.

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. The stay application is also dismissed.

SEPTEMBER 18, 2009
'BSR'

S.N.AGGARWAL, J