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

+ **W.P.(C) 3521/2007**

ASHA MISHRA

..... Petitioner

Through: Mr.Rajat Sharma, Adv.

versus

THE MGMT. OF MAC EXPORT (INDIA)

..... Respondent

Through: Mr.Pranav Kanti, Adv.

CORAM:

HON'BLE MS. JUSTICE VEENA BIRBAL

ORDER

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21.05.2013

1. By way of impugned award dated 03.03.2007 the learned Presiding Officer, Labour Court-V, Delhi has granted compensation of ₹30,000/- to the petitioner in lieu of reinstatement and back wages. In addition to this, further sum of ₹10,000/- has been granted by way of litigation expenses.
2. The case of the petitioner before the Labour Court was that she was in the employment of the management since 1995 as a helper and her last drawn salary was ₹2050/- per month. She was terminated illegally by the respondent/management on 09.03.2000 without any notice nor any charge-sheet was served upon her. She had sent a demand notice but the same was not responded to by the management. Her services were terminated illegally and she was entitled for reinstatement and full back wages.

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reinstatement and full back wages.

3. The stand of the respondent/management before the Labour Court was that petitioner was employed at Gurgaon, Haryana and the court at Delhi had no jurisdiction to try the dispute between the parties and further stand taken was that petitioner herself had abandoned the job.
4. On the pleadings of the parties the issues were framed. Both the parties had led their evidence. After perusing the evidence on record, the learned Labour Court gave finding that it had jurisdiction to try the matter and about the plea of the respondent/management that there was abandonment, it was held that there was no abandonment by her and the petitioner was terminated illegally by the management as provisions of Section 25F of the Industrial Disputes Act were not complied with.
5. The learned Labour Court, instead of awarding reinstatement has granted compensation to petitioner/workman. The amount of compensation granted is already stated above. Aggrieved with the same the present petition is filed.
6. The grievance of the petitioner/workman is that the compensation awarded is on lower side. Learned counsel for petitioner has submitted that petitioner had worked for 6 years with the respondent/management and her last drawn wages were ₹2050/-. It is stated that the reference was made in the year 2000 and was decided in the year 2007. It is submitted that petitioner had been litigating for

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about 7 years. In these circumstances higher compensation ought to have been awarded to the petitioner.

7. On the other hand, ld. counsel for respondent has submitted that the award is legal and justified and appropriate compensation has been awarded as such no interference of this court is required.
8. There is no denial that the petitioner had worked for 6 years with the petitioner/management and the litigation has gone for number of years with the management. In these facts, the compensation is enhanced from ₹30,000/- to ₹40,000/-. However, the litigation expenses shall remain the same. The respondent is directed to pay the aforesaid amount within four weeks. In addition the petitioner shall also be entitled to interest @ 7% per annum in case the payment is not made within four weeks from today.
9. With this modification the impugned award is upheld. The writ petition stands disposed of accordingly.


VEENA BIRBAL, J

MAY 21, 2013
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