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

Date of decision: 23rd SEPTEMBER, 2025

IN THE MATTER OF:

+ **LPA 268/2022**

SH B N SINGH

.....Appellant

Through: In person.

versus

M/S HINDUSTAN ANTIBIOTIC LTD

.....Respondent

Through: Mr. Vikrant Pachnanda and Ms.
Bhavyal Sheetal, Advocates.

+ **LPA 421/2022**

HINDUSTAN ANTIBIOTICS LTD.

.....Appellant

Through: Mr. Vikrant Pachnanda and Ms.
Bhavyal Sheetal, Advocates.

versus

BN SINGH

.....Respondent

Through: In person.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

JUDGMENT (ORAL)

SUBRAMONIUM PRASAD, J

1. The instant Appeals are directed against Judgment and Order dated 28.10.2021 passed by the Learned Single Judge in W.P. (C) No. 8297/2016



["**Impugned Judgment**"]. In the Impugned Judgment, the Learned Single Judge had passed the following directions:

"27. The Workman's stand has clearly been vindicated vide the impugned award dated 2nd February, 2016. However, this Court is mindful of the fact the Workman has not worked with the Management since his termination and has not rendered any services after 2009 i.e., for more than 12 years. Under these circumstances, the following directions are issued:

i) A lump sum compensation of Rs.15,00,000/- shall be paid to the Workman by the Management, instead of the reinstatement and 100% back wages that have been awarded by the Labour Court vide its impugned Award.

ii) In addition, litigation costs of Rs.1,00,000/- are awarded in favour of the Workman, to be paid by the Management.

iii) The said amounts mentioned in directions (i) and (ii) above shall be paid within eight weeks. If the said amounts are not paid within 8 weeks, further interest at the rate of 6% simple interest, would be liable to be paid by the Management to the Workman, till the date of payment."

2. Aggrieved by the denial of full back wages by the Learned Single Judge in the Impugned Judgment, Appeal bearing LPA No. 268/2022 has been filed by B.N. Singh. Aggrieved by that portion of the impugned Judgment by which the learned Single Judge has set aside the Termination Order, Appeal bearing LPA No. 421/2022 has been preferred by Hindustan Antibiotic Limited.



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3. Since, both the Appeals arise out of a common Judgment, with the consent of the parties, they are being disposed of by this order. For ease of reference, the Appellant in LPA No. 268/2022 shall be referred to as the Appellant/Workman, while the Hindustan Antibiotics Limited shall be referred to as Respondent/Management.

4. Shorn of unnecessary details, facts leading to the filing of the present Appeals are as follows:

- i. The Appellant/Workman was appointed as a Medical Representative in the Patna Office of the Respondent/Management in the year 1982, was transferred to Delhi in 1994, and worked with the Respondent/Management until 1996.
- ii. On 14.11.1996, a chargesheet was issued against the Appellant/Workman by the Respondent/Management alleging that he has falsely claimed Leave Travel Concession [**“LTC”**] by filing a receipt of travel from Delhi to Patna and back amounting to Rs. 6,000/-.
- iii. According to the Respondent/Management, the Appellant/Workman did not undertake any journey nor did he obtain any approval in respect thereof for availing the LTC.
- iv. After an issuance of a chargesheet to the Appellant/Workman, an enquiry was conducted and a Enquiry Report dated 10.08.1999 was submitted by the Enquiry Officer, as per which the Appellant/Workman was found guilty of the charges levelled i.e., 'fraud or dishonesty in connection with the company's business or property'. Resultantly, the services of the Appellant/Workman was



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terminated *vide* Order dated 28.08.2000 passed by the Disciplinary Authority.

- v. Subsequently, the Appellant/Workman preferred an Appeal before the Appellate Authority which came to be dismissed *vide* Order dated 09.11.2000.
- vi. The Appellant/Workman thereafter approached this Court by way of a Writ Petition being W.P.(C) No. 3395/2001 seeking quashing of the termination Order dated 28.08.2000 as well as the Enquiry Report dated 10.08.1999. The said Writ Petition came to be disposed of by this Court *vide* Order dated 06.08.2002, wherein this Court directed the Respondent/Management to initiate a fresh enquiry with a newly appointed enquiry officer and for the Appellant/Workman to be reinstated into service until the fresh enquiry was completed.
- vii. In compliance with the directions contained in the Order dated 06.08.2002, the Respondent/Management reinstated the Appellant/Workman into service on 29.08.2002.
- viii. On 30.10.2002, a fresh chargesheet was issued against the Appellant/Workman and a fresh enquiry was conducted which was concluded by the Report dated 17.01.2007 and the Appellant/Workman was again found guilty of all the charges levelled against him in respect of the LTC availed by him.
- ix. A show cause notice dated 08.07.2008 was issued by the Respondent/Management to which the Appellant/Workman replied on 04.08.2008.



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- x. *Vide* Letter dated 14.10.2009, the Appellant/Workman was terminated by the Disciplinary Authority which upheld the findings contained in the enquiry report dated 17.01.2007.
- xi. The aforesaid termination Letter dated 14.10.2009 was challenged by the Appellant/Workman by filing a statement of claim before the Conciliation Officer under the Industrial Disputes Act, 1947 [“**ID Act**”]. However, the conciliation proceedings failed and *vide* Order dated 06.09.2010, the GNCTD referred the Appellant/Workman's case for adjudication before the Labour Court.
- xii. The Labour Court dealt with preliminary issue of the validity of the enquiry conducted by the Respondent/Management and observed the same to be in violation of the principles of natural justice in its Order dated 10.07.2015. Keeping the same in view, the Labour Court *vide* the final Award dated 02.02.2016 directed the reinstatement of the Appellant/Workman with continuity of service as also payment of back wages while observing the failure of the Respondent/Management to examine any witness or produce any document to prove the misconduct which it had alleged against the Appellant/Workman.
- xiii. Against the aforesaid Award dated 02.02.2016 passed by the Labour Court, the Respondent/Management approached the learned Single Judge by way of the Writ Petition in question.
- xiv. While dismissing the Writ Petition filed by the Respondent/Management, the learned Single Judge in agreement with the observations of the Labour Court held that the termination



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of the Appellant/Workman *vide* Letter dated 14.10.2009 was bad in law, as the Respondent/Management could not prove that there was any fabrication of a Rs. 6,000/- bill by the Appellant/Workman. Further, on the basis of the fact that the Appellant/Workman had attained superannuation on 31.10.2021 and had not rendered any services after 2009, the Learned Single Judge directed the payment a lump sum compensation of Rs.15 lakhs as well as litigation costs payable by the Respondent/Management to the Appellant/Workman.

xv. It is this Order which is under challenge in the present appeals.

5. Learned Counsel appearing for the Respondent/Management contends that the Award dated 02.02.2016, passed by the Labour Court, as affirmed by the learned Single Judge of this Court, setting aside the termination of the Appellant/Workman cannot be sustained. He states that the Enquiry Officer, after looking into the material has arrived at a conclusion that the Appellant/Workman has filed a fabricated bill of travel from Delhi to Patna and back to claim LTC. He states that the Respondent/Management was not duly represented before the Labour Court and valid reasons thereto have been given as to why the Respondent/Management was not represented before the Labour Court. He states that the learned Single Judge ought to have remanded the matter back to the Labour Court for a fresh consideration so as to enable the Respondent/Management to substantiate the misconduct of the Appellant/Workman by leading evidence.

6. Material on record shows that the Respondent/Management had been proceeded *ex-parte* in 2012 before the Labour Court and the Award was passed on 02.02.2016, that is, after a lapse of almost four years. It does not



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lie in the mouth of the Respondent/Management to pray for a relief when there is no plausible explanation as to why it did not even bother to find out the fate of the case before the Labour Court in four years. The learned Single Judge has, therefore, rightly come to the conclusion that in the absence of any evidence on the part of the Respondent/Management, the Termination Order had to be set aside and the natural consequence thereof was the direction to reinstate the Appellant/Workman. This Court does not find any infirmity in the Order of the learned Single Judge on this aspect. Even before this Court, there is no acceptable explanation as to what prevented the Respondent/Management, which is an instrumentality of the State, from defending itself before the Labour Court. Just by saying that the Respondent/Management had lost track of the case is not a proper justification which would persuade this Court to send the matter back to the Labour Court. In the absence of any evidence by the Respondent/Management, no fault can be found either in the Order passed by the Labour Court or the Order passed by the learned Single Judge of this Court, setting aside the Termination Order.

7. The second aspect which has to be dealt with by this Court, is the grievance of the Appellant/Workman, who appears in person, who has also assailed that portion of the Impugned Judgment, wherein the learned Single Judge has awarded the lump-sum compensation of Rs. 15 lakhs to the Appellant/Workman instead of awarding 100% back wages.

8. Material on record discloses that the conduct of the Respondent/Management has not been fair. The Termination Order was set aside on 02.02.2016. The said Order was challenged by the Respondent/Management. It was incumbent on the Respondent/Management



to comply with Section 17B of the ID Act. Section 17B of the ID Act, which is relevant for the present case, reads as under:

“Section 17B. *Payment of full wages to workman pending proceedings in higher courts.*

Payment of full wages to workman pending proceedings in higher courts.--Where in any case, a Labour Court, Tribunal or National Tribunal by its award directs reinstatement of any workman and the employer prefers any proceedings against such award in a High Court or the Supreme Court, the employer shall be liable to pay such workman, during the period of pendency of such proceedings in the High Court or the Supreme Court, full wages last drawn by him, inclusive of any maintenance allowance admissible to him under any rule if the workman had not been employed in any establishment during such period and an affidavit by such workman had been filed to that effect in such Court:

Provided that where it is proved to the satisfaction of the High Court or the Supreme Court that such workman had been employed and had been receiving adequate remuneration during any such period or part thereof, the Court shall order that no wages shall be payable under this section for such period or part, as the case may be.”

9. As stated above, the award setting aside the Termination Order was passed by the Labour Court on 02.02.2016. The Award was challenged by the Respondent/Management by filing W.P.(C) No.8297/2016. Vide Order dated 24.04.2019 the learned Single Judge directed the Respondent/Management to pay the back wages. Since the back wages were not paid, the Appellant/Workman was compelled to file a contempt petition, being CONT.CAS(C) 118/2020, and it is only on 22.03.2023, i.e., after filing



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of the Contempt Petition that the amount was paid to the Appellant/Workman. The Appellant/Workman was, therefore, rendered helpless from 2019 to 2023, that is nearly for four years.

10. The Appellant/Workman, even after being successful before the Labour Court, had to run from pillar to post to get his statutory dues under Section 17B of the ID Act and was put to harassment. Therefore, there is some force in the contention of the Appellant/Workman, who is appearing in person, that he ought to have been paid 100% of the back wages.

11. The Apex Court in several cases has held that when an employee has not worked at all after termination, he/she can be adequately compensated by paying a lump sum amount [Refer: Ranbir Singh v. PWD, (2021) 14 SCC 815 and Allahabad Bank v. Krishan Pal Singh, (2021) 19 SCC 227]

12. On the aforesaid aspect, this Court had directed the Appellant/Workman to file a chart showing the amount which the Appellant/Workman would have received from 15.10.2009 to 31.10.2021, i.e., from the date of his termination till the date of his superannuation. A chart has been filed showing that a sum of Rs.45,40,332/- was to be paid to the Appellant/Workman between 15.10.2009 to 31.10.2021.

13. It is an admitted position that an amount of Rs.15 lakhs has already been received by the Appellant/Workman. However, in the interest of justice and taking into account the agony faced by the Appellant/Workman, this Court is inclined to increase the compensation from Rs.15 lakhs to Rs.25 lakhs, which would be roughly 50% of the total back wages which ought to have been received by the Appellant/Workman as per the chart filed by him. During the course of hearing, the Appellant/Workman, who is present in person, states that he is satisfied with the compensation.



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14. Accordingly, since the Appellant/Workman has already been paid an amount of Rs.15 lakhs, the Respondent/Management is directed to pay the balance of Rs.10 lakhs, which is inclusive of the litigation cost, to the Appellant/Workman within a period of eight weeks from the date of uploading of this order.

15. With these observations, LPA 421/2022 is dismissed and LPA 268/2022 is disposed of, along with the pending application(s), if any.

SUBRAMONIUM PRASAD, J

VIMAL KUMAR YADAV, J

SEPTEMBER 23, 2025

Prateek/AP