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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 11.08.2026

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CNR No. DLHC010334202026

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LPA 572/2026 & CM APPL. 48108/2026

RANJEET

.....Appellant

Through: Mr. Tarkeshwar Nath, Mr. Harshit
Singh & Mr. Anant Dev, Advocates
along with Appellant-in-Person.

versus

M/S NARESH INDUSTRIES

.....Respondent

Through:

CORAM:**HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TEJAS KARIA****TEJAS KARIA, J. (Oral)****CM APPL. Nos. 48109/2026 & 48110/2026 (Condonation of Delay)**

1. These Applications are filed by the Appellant praying for condonation of delay of 30 days in filing and 18 days in re-filing the Appeal.
2. For the reasons stated in the Applications, the same are allowed and the delay in filing as well as re-filing the Appeal is hereby condoned.
3. The Applications stand disposed of.

LPA 572/2026

4. The present *intra-court* Appeal assails the judgment dated 28.03.2026 (“**Impugned Judgment**”) passed in W.P.(C) 13267/2026 (“**Writ Petition**”), whereby the Writ Petition file by the Appellant was dismissed by the learned Single Judge.



5. The Appellant joined the Respondent-management (“**Management**”) on 01.01.1996 as Guard. The Appellant contends that nature of his job was forcibly changed by the Management from Guard to Thread Cutter and Layer Man of Overlap Machine without payment of any extra wages. The Appellant submits that when the Appellant opposed the said change by demanding extra wages for extra work, the Management got annoyed and asked the Appellant to put his signatures on some blank papers, vouchers and other forms. It is the Appellant’s case that, on 15.07.2005, when the Appellant protested and demanded back the said blank papers, he was beaten up and made to write an apology on the allegation that he was caught red-handed while stealing a piece of cloth.

6. It is the Appellant’s case that from the next day i.e., 16.07.2005, the Management did not allow the Appellant to report for duty and was asked to resign, thereby terminating the Appellant’s services without any notice, notice pay or retrenchment compensation, or a chargesheet on the Appellant.

7. On 23.09.2005, the Appellant filed a claim petition bearing LID No. 390/16 (“**Claim Petition**”) before the learned Labour Court seeking reinstatement with continuity of service and full back wages. The Labour Court *vide* award dated 13.07.2018 (“**Award**”) dismissed the Claim Petition observing that the Appellant was unauthorisedly absent with effect from 16.07.2005 and had abandoned his service deliberately and, therefore, there was no occasion for the Management to terminate his services.

8. Aggrieved by the Award, the Appellant filed the Writ Petition before the learned Single Judge, wherein *vide* the Impugned Judgment, the learned Single Judge dismissed the Writ Petition observing that the findings rendered by the Labour Court cannot be said to be perverse in any manner.



9. Learned Counsel for the Appellant submitted that the finding of abandonment of service by the learned Labour Court and the learned Single Judge was not sustainable, in absence of any intention on the part of the Appellant to abandon his services. It was further submitted that the Appellant had, in fact, expressed his intention to resume duty by issuing the demand notice dated 21.07.2005. Reliance was placed on ***G.T. Lad & Ors Vs. Chemical & Fibres of India Ltd.*** (1979) 1 SCC 590 to submit that intention is necessary for a case of abandonment.

10. Learned Counsel for the Appellant further submitted that no intimation of any domestic enquiry was given to the Appellant and the Management's communications calling upon him to join duty were never received as the same were sent to an address where he was not residing at the relevant time. Relying on the cross-examination of the Enquiry Officer, it was submitted that the Enquiry Officer admitted that communications sent to the address provided by the Management were received back in the domestic enquiry. It was further submitted on behalf the Appellant that the communications from the Management were sent through Under Postal Certificate ("UPC"), which is not a prescribed mode of service under Rule 18 of the Industrial Disputes (Central) Rules, 1957 ("**Rule 18**").

11. We have heard learned Counsel for the Appellant and perused the material placed on record.

12. The Appellant's principal contention is that he never intended to abandon service and had shown his willingness to resume duty through the demand notice dated 21.07.2005. The Appellant further contended that, having been prevented from joining duty, his absence could not be treated as deliberate abandonment of the service.



13. The learned Labour Court has held that the address mentioned in the apology letter dated 15.07.2005 was the very address to which the recall letters dated 18.07.2005 and 02.09.2005, as well as the chargesheet dated 10.10.2005, were sent. The material placed on record also indicates that the communications relied upon by the Management were dispatched to the address furnished by the Appellant himself in the apology letter dated 15.07.2005. The Appellant neither responded to the recall letters dated 18.07.2005 and 02.09.2005 nor to the chargesheet dated 10.10.2005 and did not report for duty thereafter.

14. The Appellant's reliance on the demand notice dated 21.07.2005 is insufficient to dislodge the finding of abandonment of service returned by the Labour Court. Once the said demand notice is considered in conjunction with the subsequent conduct of the Appellant of his failure to respond to the recall letters issued by the Management and to report for duty thereafter, the intention to abandonment becomes apparent. Therefore, the Labour Court has rightly concluded that the Appellant had abandoned his service after taking into account the overall conduct of the Appellant.

15. The reliance placed by learned Counsel for the Appellant on the cross-examination of the Enquiry Officer, wherein the Enquiry Officer stated that the letters sent to the Appellant at the address provided by the Management were returned during the domestic enquiry, is misplaced as the said statement pertains to the communications issued in the course of the domestic enquiry. There is nothing on record to indicate that, after 16.07.2005, the Appellant made any attempt to report for duty or otherwise demonstrated an intention to resume duty, except by issuing the demand notice dated 21.07.2005. The fact that the Management called upon the



Appellant to report for duty by the recall letters dated 18.07.2005 and 02.09.2005 also militates against the submission advanced on behalf of the Appellant that he had been prevented from joining duty.

16. The Appellant also contended that the Management's communications were sent only through UPC and not by registered post, contrary to Rule 18. However, Rule 18 applies to notices, summons, processes or orders issued by a Board, Court, Labour Court, Tribunal, National Tribunal or Arbitrator, not to communications issued by the Management. In any event, Rule 18 does not affect the finding of abandonment of service by the Appellant.

17. The reliance placed upon **G.T. Lad & Ors.** (*supra*) by learned Counsel for the Appellant also does not advance the Appellant's case in the facts of the present matter. The decision of the Supreme Court in **G.T. Lad & Ors.** (*supra*) was rendered in the context of employees who had remained absent on account of a peaceful strike for enforcement of their demands, and it was in that context that the Supreme Court held that such absence would not amount to abandonment of service. The Supreme Court further held that whether there has been voluntary abandonment of service is a question of fact to be determined in light of the surrounding circumstances of each case.

18. In the present case, the question of intention must be gathered from the conduct of the Appellant. The learned Single Judge, therefore, rightly observed that the learned Labour Court, upon appreciation of the facts, had arrived at the conclusion that the Appellant had abandoned his service, and that the said finding could not be said to be perverse in any manner.

19. In view of the above analysis, we do not find any ground to interfere with the Award and the Impugned Judgment.



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20. The Appeal is, accordingly, dismissed. Pending applications, if any, also stand disposed of. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

AUGUST 11, 2026/HK