



2026:DHC:8901-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of decision: 05.10.2026**

CNR No. DLHC010479392026

+ LPA 817/2026, CM APPL. 68919/2026, CM APPL. 68920/2026 &
CM APPL. 68921/2026

M/S R.K. FITNESS PVT LIMITED

.....Appellant

Through: Mr. Ashwini K. Sakhuja, Adv.

versus

SH. RAM KUMAR

.....Respondent

Through: Nemo.

CORAM:**HON'BLE MR. JUSTICE VIVEK CHAUDHARY****HON'BLE MS. JUSTICE NISHA SAHAY SAXENA****J U D G M E N T**

1. The present Letters Patent Appeal under Clause 10 of the Letters Patent read with Section 10 of the Delhi High Court Act, 1966 has been preferred by the appellant/management, M/s R.K. Fitness Pvt. Ltd., assailing the judgment dated 13.05.2026 passed by the learned Single Judge in W.P.(C) 7516/2023, titled *M/s R.K. Fitness Pvt. Ltd. v. Shri Ram Kumar*, whereby the writ petition preferred by the appellant against the Award dated 04.09.2019 passed by the learned Presiding Officer, Labour Court, Rouse Avenue District Court, New Delhi in LIR No. 198/2017 was dismissed. The appellant also assails the consequential order dated 06.07.2026, whereby the amount of Rs. 2,23,815/- deposited by the appellant with the Registry of this Court in terms of the order dated 25.07.2023 was directed to be released to the respondent/workman.

2. Briefly stated, the facts of the case are that the respondent/workman was employed with the appellant/management. According to the workman, he was in continuous employment of the management since 08.06.2010 on the



post of 'Pressman' at a last drawn salary of Rs. 9,000/- per month, and his services were illegally terminated on 01.03.2015 without any notice, notice pay or retrenchment compensation, upon his demanding legal facilities such as ESIC coverage and overtime wages. The management, on the other hand, took the stand that the workman had voluntarily left the services after collecting his dues by way of full and final settlement on 01.04.2015.

3. The workman raised an industrial dispute, and a demand notice dated 28.01.2016 remained unanswered. The appropriate Government, vide reference dated 13.01.2017, referred the dispute to the Labour Court for adjudication on the question whether the workman had been terminated illegally and/or unjustifiably by the management, and if so, to what relief he was entitled. The management, through its Authorised Representative, filed its written statement on 20.07.2018, and upon completion of pleadings, the following issues were framed on 28.09.2018:

- “1. Whether the claimant has voluntarily left the services after collecting his dues as full and final settlement on 01.04.2015? OPM
2. Whether the services of the workman were terminated illegally and/or unjustifiably by the management? OPW
3. Relief.”

4. Thereafter, none appeared on behalf of the management from 04.12.2018 onwards and the management was proceeded ex-parte vide order dated 05.03.2019. The workman led his evidence on 03.08.2019, which remained unchallenged and unrebutted. Consequently, vide Award dated 04.09.2019, the Labour Court answered both the issues in favour of the workman, holding that his services had been terminated in violation of Section 25F of the Industrial Disputes Act, 1947, and, instead of reinstatement, directed the management to pay full back wages as per the



minimum wages, from 01.03.2015 till the date of the Award, along with interest at the rate of 9% per annum in the event of default.

5. The said Award dated 04.09.2019 was thereafter published on 02.03.2020 and, in terms of Section 17A of the Industrial Disputes Act, 1947, became enforceable with effect from 01.04.2020.

6. It is the case of the appellant that it came to know of the ex-parte Award only in April, 2023, when a bailiff of the Execution Court visited its premises. The appellant thereafter filed W.P.(C) 7516/2023, contending, *inter alia*, that it had been let down by its Authorised Representatives. Vide order dated 25.07.2023, upon the appellant depositing a sum of Rs. 2,23,815/-, the execution proceedings were stayed. By the impugned judgment dated 13.05.2026, the learned Single Judge dismissed the writ petition, and by the consequential order dated 06.07.2026, the deposited amount was directed to be released to the workman. Hence, the present appeal.

7. The learned Single Judge, after noticing the rival contentions, the issues framed and the evidence led before the Labour Court, as well as the limited scope of interference under Article 226 of the Constitution of India, has held in paragraph 9 of the impugned judgment as under:

“9. *Indeed, the case laws relied upon by the management do state that a client should not suffer on account of the negligence of counsel. However, in the present case, the record reflects that the management had engaged two different Authorised Representatives (ARs), namely Mr. Paramjeet Singh and Mr. Rajesh Kumar, before the Labour Court. Pertinently, Mr. Paramjeet Singh is stated to be the management’s own labour law consultant. It is further noted that the impugned Award was passed in the year 2019, whereas the present writ petition was filed only in the year 2023. The explanation furnished by the management for its abandonment is insufficient and such a plea, raised at this belated stage, also does not inspire confidence.*

Even otherwise, considering the limited scope of interference by this Court in exercise of its limited writ jurisdiction, no perversity or patent illegality



is shown in the impugned Award so as to warrant interference by this Court. Accordingly, in the peculiar facts and circumstances of the case, as well as the delay, this Court is not inclined to interfere with the impugned Award, which is upheld.”

8. Learned counsel for the appellant has made a solitary submission that the Award dated 04.09.2019 was obtained by the respondent on a false statement, inasmuch as the respondent was subsequently gainfully employed during the very period for which full back wages have been awarded.

9. We have heard learned counsel for the appellant and perused the record.

10. At the outset, it is to be borne in mind that a Letters Patent Appeal is an intra-court appeal, wherein the Division Bench examines the correctness of the view taken by the learned Single Judge on the basis of the material that was before him. Interference is warranted only where the judgment under appeal suffers from a patent error, perversity or a manifest illegality; it is not a forum for a fresh round of adjudication on new facts. [Ref: *Baddula Lakshmaiah v. Sri Anjaneya Swami Temple*, (1996) 3 SCC 52 and *Management of Narendra & Company Pvt. Ltd. v. Workmen of Narendra & Company*, (2016) 3 SCC 340].

11. The sole plea urged before us, namely, that the respondent was gainfully employed after 01.03.2015 and had therefore obtained the Award on a false statement, was admittedly never raised either before the Labour Court or before the learned Single Judge. The appellant itself, in the memorandum of appeal, describes it as an “additional” fact “which was not before the Labour Court and Writ Court”. The plea is founded entirely upon a computer printout said to have been taken from the ESIC portal, which is neither certified nor proved, and whose contents have never been put to the workman.



Whether, and for what period, a workman was gainfully employed elsewhere is a pure question of fact which necessarily requires pleadings, evidence and an opportunity of rebuttal. Such a question cannot be gone into for the first time in an intra-court appeal on the basis of an unverified document, more so when it does not even touch upon the reasoning on which the writ petition came to be dismissed.

12. It must also be noticed that the appellant had every opportunity to cross-examine the workman on the aspect of his employment and to lead evidence before the Labour Court. It chose not to do so, having stopped appearing after the framing of issues and having been proceeded ex-parte on 05.03.2019. The testimony of the workman thus remained unchallenged and unrebutted. A party which has abandoned the proceedings before the forum of fact cannot be permitted to reopen the factual foundation of the Award at the appellate stage by characterising the unrebutted testimony of the workman as a false statement.

13. In view of the foregoing discussion, we find that the impugned judgment dated 13.05.2026 does not suffer from any perversity, illegality or infirmity warranting interference by this Court in the exercise of its appellate jurisdiction. Hence, the impugned judgment is upheld.

14. Accordingly, the present appeal, being devoid of merit, is dismissed. In view of the dismissal of the appeal, any pending application, shall be disposed off.

VIVEK CHAUDHARY, J

NISHA SAHAY SAXENA, J

OCTOBER 05, 2026/VP/jd