$~29

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

\+ LPA 530/2016

IMANULLAH & CO

..... Appellant

Through Mr D.M. Sharma and Mr A. Kumar, Advs.

versus

PANKAJ & ANR

..... Respondent

Through None

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE SUNITA GUPTA

O R D E R

% 26.09.2016

CM 35319/2016 (exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

LPA 530/2016 & CM 35320/2016 (delay)

We have heard learned counsel appearing for the appellant in this Intra Court Appeal impugning the order dated 12.07.2016 passed by learned Single Jude in W.P.(C) No. 4779/2016.

Learned counsel for the appellant submits that the compensation of Rs.1,40,000/-, as awarded is on the higher side. It is also pointed out that the Tribunal also awarded interest @ 9%.

On the question of proportionality, we are not inclined to interfere with the award dated 01.02.2016 passed by the Tribunal. The amount of compensation, as awarded by the Tribunal, took into consideration the length of service and all other aspects including the assertions made by the respondent workmen that they were compelled to sign some papers /

documents.

It is noteworthy that the appellant management did file an affidavit by way of evidence of S.N. Sharma, but thereafter he did not appear as a witness and was not cross examined inspite of repeated opportunities granted on 19.08.2015, 16.10.2015 and 15.01.2016. The appellant was, therefore, shown enough latitude in the matter.

Learned Single Judge has also adversely commented on the defence taken by the appellant that the respondents employees were in fact employees of Bureau of Indian Standards. The findings given by learned Single Judge in this regard have not been assailed before us.

Taking into account the totality of facts and circumstances, we do not see any reason to interfere with the impugned order.

The appeal is dismissed.

Pending CM is also disposed of.

SANJIV KHANNA, J

SUNITA GUPTA, J

SEPTEMBER 26, 2016/*rd*