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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5825/2015, CM APPL. 10509/2015**
VOLTAS LIMITED

..... Petitioner

Through: Mr. D.S. Chauhan, Advocate

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondent

Through: Mr. Sunil Goel with Ms. Supreet
Bimbra, Advs. for respondent No.4

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **24.08.2016**

The impugned Award dated 01.11.2013 has directed payment of 75% back wages to the respondent No.4. The learned counsel for the petitioner contends that as per their calculation, the said amount has been paid i.e. as under:

Amount payable: Rs. 6,44,929.00

Less Income Tax: Rs. 1,43, 149.00

Net payable: Rs. 5,10,780.00

The management has sought to justify the aforesaid computation as per annexure P-9 to this petition. The workman has disputed the said computation and has claimed that the money payable from 1991 till 2007 would include the increase in remuneration that would be applicable for the said period. In the proceedings before the executing Court, directions were

issued to the management to furnish proper calculations after including TA, DA, HRA and other allowances.

The learned counsel for the petitioner submits that the workman has a claim for payment only in terms of the impugned Award and the workman cannot seek an enhanced payment in execution proceedings beyond what has been awarded in his favour.

The learned counsel for the parties agree that the Award is silent on the exact rate of wages or the quantum on which 75% of back wages have to be paid.

The Court is of the view that it would be appropriate if the case is remanded back to the Labour Court concerned to clarify as to: on what rate or quantum of wages would 75% be payable to the workman. It is so ordered. Resultantly, the Award is set aside only to the extent that 75% back wages directed to be paid to the workman is non-specific on the quantum/rate of wages.

The Court would request the Labour Court to adjudicate the matter by 31.12.2016 on the limited issue on which the case has been remanded.

This Court does not express its opinion on the merits of the case. Till such time that a fresh adjudication is made in terms of the aforesaid remand, no precipitate action shall be taken against the petitioner.

The parties shall appear before the Labour Court on 26.09.2016.

The petition stands disposed off in terms of the above.

NAJMI WAZIRI, J

AUGUST 24, 2016/acm