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

+ **W.P.(C) 9817/2016**

PREM KUMAR

..... Petitioner

Through **Mr. Sudhir Nagar and Mr. K. Bansal, Advocates.**

versus

UNION OF INDIA AND ANR

..... Respondents

Through **Bharati Raju, Advocate for UOI.**

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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24.10.2016

CM Appln.No.39096/2016

Allowed, subject to all just exceptions.

The application is disposed off.

WP(C) No.9817/2016 & CM Appln. No.39095/2016

The petitioner has impugned the Award dated 06.10.2015 in I.D. No.39/2005. The respondent management did not lead evidence, therefore, it was found that there existed an employer and employee relationship between them. Since the respondent did not lead any evidence apropos the issue as to whether or not it was not an industry under Section 2(j) of the Industrial Disputes Act, 1947, the said issue was also returned in favour of the petitioner. However, the impugned Award did not grant continuity in service, instead the amount of Rs.50,000/- was awarded as compensation as being sufficient to meet the ends of justice. The Award relied upon the judgements of the

Supreme Court in Assistant Engineer, Rajasthan Dev. Corporation and Anr. vs. Gitam Singh, (2013)11 LLJ 141 and Jagbir Singh Vs. Haryana State Agriculture Marketing Board &Anr. AIR 2009 SC 3004. The Award further held that reinstatement is not automatic merely because the termination is illegal or in contravention of Section 25-F of the Industrial Dispute Act. It relied upon the decision of the Supreme Court in Talwara Co-operative credit and service society Limited v. Sushil Kumar (2008) 9 SCC 486.

It is the petitioner's case that an amount of Rs.50,000/- is too meagre for somebody who worked for more than 11 years, and this fact should have been kept in mind by the Industrial Tribunal.

This Court is of the view that the length of service would not necessarily affect the quantum granted because the petitioner was only a casual worker; and about six months compensation having been awarded in terms of the minimum wages would meet the ends of justice. This Court does not find any error in the impugned order.

The petition has no basis and is accordingly dismissed along with all pending applications.

NAJMI WAZIRI, J

OCTOBER 24, 2016
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