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

% **Date of Decision: 20th December, 2016**

+ W.P.(C) 537/2016

DELHI TRANSPORT CORPORATION Petitioner

Through: Mr.Uday N. Tiwary and
Mr.Sunil Kumar Ojha,
Advocates

versus

SANT RAJ SINGH Respondent

Through: Mr.Sanjoy Ghose, Advocate as
an *Amicus Curiae*.
Respondent in person.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The petitioner has challenged the award of the Labour Court whereby the petitioner have been directed to pay 100% back wages along with all consequential benefits to the respondent.
2. The respondent was working as driver with the petitioner since 1982. On 2nd March, 1993, the respondent met with an accident during the course of his employment, which resulted in the grievous injuries due to which he was unsuitable to drive and was prematurely retired by the petitioner on 1st November, 1993. The respondent challenged his premature retirement before this Court in W.P.(C) NO.5318/1993 in which vide order dated 18th May, 1995, the Division

Bench of this Court directed the petitioner to consider his case for suitable alternative employment in terms of the their policy within four weeks. The respondent did not get any alternative employment and, therefore, raised an industrial dispute, which was referred to the Labour Court, which resulted in the award dated 11th September, 2015.

3. The petitioner has challenged the award on various grounds *inter alia* that the respondent's name was kept in the waiting list for compassionate employment, but the respondent's name did not mature and in the meantime, he reached the age of superannuation on 4th April, 2010.

4. Vide order dated 25th November, 2016, the relevant record of the compassionate appointments were requisitioned, which were produced on 29th November, 2016. The record revealed that the respondent's name was at serial number 33 whereas the person at serial number 35 was given compassionate appointment on 9th March, 1999 without offering the compassionate appointment to the petitioner.

5. After considering the contentions urged by the learned counsel for the petitioner and the learned *amicus curiae*, this Court is of the view that the full back wages awarded by the Labour Court are excessive and therefore, the relief of full back wages is substituted with the compensation of Rs.10.00 lakh.

6. The petitioner has deposited Rs.10.00 lakh with the Registrar General of this Court in terms of order dated 29th November, 2016. The Registrar General is directed to disburse Rs.10.00 lakh to the

respondent by instructing UCO Bank, Delhi High Court Branch to transfer Rs.5.00 lakh to the respondent in his Savings Bank Account No.1433000100040080 with Punjab National Bank, VPO Chiri, District Rohtak, Haryana 124524 (MICR Code 124024052, IFSC Code: PUNB0143300). The balance amount of Rs.5.00 lakh shall be kept by UCO Bank, Delhi High Court in a fixed deposit in the name of respondent for a period of nine months with cumulative interest. On maturity of the FDR, the UCO Bank, Delhi High Court shall transfer the maturity amount along with interest accrued thereon directly in the aforesaid savings bank account of the respondent with Punjab National Bank.

7. The register produced by the petitioner on 29th November, 2016 before this Court, which is lying in a sealed cover, be returned back to the petitioner by the Deputy Registrar concerned within three weeks.

8. The writ petition is disposed of in the above terms. The interim order stands vacated. The pending application bearing No.2208/2016 is disposed of.

9. This Court appreciates the assistance rendered by Mr. Sanjay Ghosh, learned *Amicus Curiae* as well as Mr. Uday N. Tiwary, learned counsel for the petitioner in this matter.

10. Copy of this judgment give *dasti* to the counsel for the parties under the signatures of the Court Master.

DECEMBER 20, 2016
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J.R. MIDHA, J.