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

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Date of Decision: 23rd March, 2017

+ W.P.(C) 11760/2004

GANESH PANDEY

..... Petitioner

Through: Mr. Jatin Kumar, Advocate
along with petitioner in person.

versus

THE MANAGEMENT OF :

M/S AMBASSADOR CO.

..... Respondent

Through: Mr. Rajesh Gogna, Adv.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The appellant has challenged the award dated 29th January, 2004 of the Labour Court whereby the Labour Court declined the backwages to the petitioner.
2. The petitioner joined the respondent as a press-man on 16th February, 1992 and was terminated on 14th May, 1994. The petitioner raised an industrial dispute which was referred to the Labour Court which resulted in the award dated 29th January, 2004.
3. During the pendency of the industrial dispute, the respondent offered the job to the petitioner who re-joined on 25th March, 2003. In that view of the matter, the petitioner restricted his claim to the back wages for the period 1994 to 2003.
4. The respondent contested the claim of the petitioner on the ground that the petitioner abandoned the job on 12th April, 1994. The learned Labour Court held that the respondent failed to prove that the

petitioner abandoned his service.

5. Learned counsel for the petitioner submits that in view of the finding that respondent failed to prove that the petitioner abandoned his service, the petitioner would be entitled to the back wages.

6. Learned counsel for the respondent submits that the respondent unit has been closed as back as in June 2003.

7. Learned counsel for the petitioner submits that the petitioner suffered an accident during the course of his employment with the respondent in which he lost three fingers.

8. In the facts and circumstances of this case and considering the period of 1994 to 2003 when the petitioner remained out of job as well as the minimum wages during the aforesaid period as well as interest that would have accrued on the claim of the back wages, this Court is of the view that lump sum compensation of Rs.1,75,000/- in lieu of the back wages would suffice the interest of justice.

9. The writ petition is allowed and the respondent is directed to make payment of Rs.1,75,000/- to the petitioner as lump sum compensation in lieu of back wages within a period of four weeks. The payment be sent to the petitioner through counsel by means of a cheque.

10. Copy of this judgment be given *dasti* to counsel for the parties under the signature of the Court.

MARCH 23, 2017
Dk

J.R. MIDHA, J.