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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of Decision: 15th February, 2017**

+ CM No.11135/2004 & 35004/2016 in W.P.(C) 15331/2004

M.T.N.L. Petitioner

Through: Ms. Rachna Joshi Issar, Adv.

versus

BRAHAMJEET Respondent

Through: Mr. Bharat Bhushan Bhatia,
Adv.

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The petitioner has challenged the award of the Labour Court whereby the Labour Court has directed that reinstatement with 50% back wages to the respondent.
2. The respondent was working with the petitioner as daily rated mazdoor at Kidwai Bhawan, New Delhi. The respondent remained absent from duty w.e.f. 01st March, 1991. The respondent was arrested in a criminal case of theft on 04th March, 1991 and he remained in police custody for 8 days. He was released on bail on 12th March, 1991. The respondent has been acquitted in the criminal case registered against him. The respondent raised an industrial dispute which resulted in the impugned award. The Labour Court held that no retrenchment notice was given to respondent and, therefore, he be reinstated in service.
3. This Court is of the view that reinstatement with 50% back

wages is not warranted in the facts and circumstances of this case and compensation in lieu of the reinstatement should be the appropriate relief to the respondent. The respondent had almost ten years of service and taking one month salary equivalent to the minimum wages of around Rs.10,000/- per month for each completed year and adding Rs.20,000/- towards litigation cost, Rs.1,20,000/- is fair and reasonable compensation to the respondent.

4. The respondent present in Court along with his counsel gracefully accepts Rs.1,20,000/- as compensation in full and final settlement of his claims against the petitioner.

5. The petition is partially allowed and the relief of reinstatement of 50% back wages is substituted with compensation of Rs.1,20,000/- to be paid by the petitioner to the respondent in full and final settlement in all his claims.

6. The respondent present in Court submits that he has savings bank account No.02262010074340 with Oriental Bank of Commerce, District Gautam Budh, Shyam Nagar Mandi, Uttar Pradesh, (IFSC Code: ORBC 0100226, MICR Code:203022).The petitioner is directed to transfer the compensation amount to the aforesaid respondent's savings bank account with five weeks.

7. Copy of this judgment be given *dasti* to learned counsels for the parties under signature of Court Master.

FEBRUARY 15, 2017
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J.R. MIDHA, J.