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

+ W.P.(C) 15518/2006

HARI RAM GUPTA

..... Petitioner

Through: Mr. Mithilesh Kumar, Adv.

versus

M/S CAUKERS

..... Respondent

Through: Mr. Ashwani, Mr. Puneet Saini and
Mr. Arman, Advs.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **03.01.2017**

1. The petitioner has challenged the award of the Labour Court whereby the compensation of Rs.15,000/- in lieu of reinstatement and back wages has been awarded to him.
2. The petitioner worked with the respondent from June, 1984 up to 10th November, 1995 when his services were terminated. The petitioner raised an industrial dispute which was referred to the Labour Court. The learned Labour Court held the termination of the petitioner to be illegal and awarded compensation of Rs.15,000/- in lieu of reinstatement and back wages on the ground that the petitioner was gainfully employed. Learned counsel for the petitioner submits that the petitioner was not gainfully employed which is disputed by learned counsel for respondent.
3. This Court is of the view that notwithstanding issue of gainful employment, the compensation in lieu of reinstatement and back wages after 11 years of service is on lower side. The petitioner was working as a deliveryman with the respondent and taking the minimum wages and other factors into consideration, this Court of the view that the petitioner is

entitled to compensation of Rs.1,50,000/- in lieu of reinstatement and back wages.

4. Learned counsel for respondent submits on instructions that respondent shall pay Rs.50,000/- to the petitioner within one week and the balance amount of Rs.1,00,000/- shall be paid in three equal monthly instalments.

5. The writ petition is allowed and the compensation amount is enhanced from Rs.15,000/- to Rs.1,50,000/-. The respondent shall make the payment of Rs.50,000/- to the petitioner by means of a cheque drawn in the petitioner's name which shall be sent to him at the address given in the memo of parties by registered AD Post within one week. The petitioner shall send three post dated cheques dated 15th February, 2017, 15th March, 2017 and 15th April, 2017 of equal amount totalling Rs.1,00,000/- to the petitioner along with the cheque for Rs.50,000/-.

6. List for reporting compliance on 01st May, 2017.

7. The respondent shall ensure that all four cheques are honoured on their first presentation.

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

J.R. MIDHA, J.

JANUARY 03, 2017

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