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

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Date of Decision: 15th March, 2017

+ W.P.(C) 3584/2011

SURESH KUMAR

..... Petitioner

Through: Mr.Keshav Maheshwari,
Advocate

versus

LTG INDIA PVT. LIMITED

..... Respondent

Through: Mr.Somiran Sharma, Advocate.

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 awarded compensation of Rs.15,000/- to the petitioner in lieu of reinstatement.
2. The petitioner worked with the respondent as a driver from 1st February, 1993 upto 31st July, 2002 and the last drawn wages of the petitioner were Rs.4,400/- per month. The petitioner is seeking reinstatement or compensation of Rs.4 lakh in lieu of reinstatement and backwages.
3. Learned counsel for the respondent submits that the respondent has already paid the compensation of Rs.15,000/- awarded by the Labour Court to the petitioner. It is further submitted that the respondent also paid the retrenchment compensation of Rs.20,000/- to the petitioner.
4. On careful consideration of the rival contentions of the parties,

this Court is of the view that the reinstatement is not warranted in the facts and circumstances of this case. However, this Court is of the view that the compensation of Rs.15,000/- awarded by the Labour Court is grossly inadequate. The petitioner had worked with the respondent for about ten years. Considering the minimum wages for a driver and taking the ten years service of the petitioner into consideration, this Court is of the view that enhancement of Rs.3 lakh is warranted in this case.

5. The writ petition is allowed and the petitioner is awarded further compensation of Rs.3 lakh over and above the compensation already paid by the respondent to the petitioner.

6. Mr. Pankaj Sethi, CFO of the respondent present in Court submits that the respondent shall pay the compensation awarded today by this Court to the petitioner in three instalments of Rs.1 lakh each on 15th April, 2017, 15th May, 2017 and 15th June, 2017. Let the three post dated cheques dated 15th April, 2017, 15th May, 2017 and 15th June, 2017 for Rs.1 lakh each be sent to the petitioner by Regd. AD Post at the address given in the memo of parties within a period of two weeks from today.

7. Mr Pankaj Sethi, CFO of the respondent undertakes that all the three cheques shall be honoured on their first presentation. The undertaking is accepted.

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

MARCH 15, 2017
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J.R. MIDHA, J.