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

+ W.P.(C) 294/2011

10 BHARAT ELECTRONICS LTD

..... Petitioner

Through: Mr. R. Chacko, Mr. Varun Mudgal
and Mr. Abhishek Rana, Advocates.

versus

BISHAN SWAROOP SHARMA & ANR

..... Respondents

Through: Mr. Sanjoy Ghose, Ms. Urvi Mohan
and Mr. Rhishabh Jetley, Advocates.

+ W.P.(C) 1430/2011

11 BISHAN SWAROOP SHARMA

..... Petitioner

Through: Mr. Sanjoy Ghose, Ms. Urvi Mohan
and Mr. Rhishabh Jetley, Advocates.

versus

BHARAT ELECTRONICS LTD

..... Respondent

Through: Mr. R. Chacko, Mr. Varun Mudgal
and Mr. Abhishek Rana, Advocates.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **15.07.2019**

1. The parties have challenged the award of the Labour Court whereby compensation of Rs.2,00,000/- has been awarded to the workman along with interest @12% per annum.

2. The workman was working as a Junior Store Keeper with Bharat Electronics Limited since 05th February, 1977 and his services were terminated on 05th July, 1993 after an inquiry into the charge sheet

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the physical file and no page is missing.

dated 25th October, 1990. As per the charge sheet, the workman refused to receive certain items brought by customers for being deposited in the store on 23rd October, 1990 despite clear instructions from Mr. R.P. Pandey. The workman misbehaved with Mr.R.P. Pandey and also physically assaulted and threatened him with dire consequences. According to the workman, Mr.R.P. Pandey assaulted him and workman made a criminal complaint against Mr.R.P. Pandey and Mr.R.P. Pandey was enlarged on bail.

3. Learned counsel for the petitioner in W.P.(C) 294/2011 urged at the time of hearing that the inquiry was fairly conducted and there is no infirmity in the termination of the workman on the ground of misconduct. Learned counsel seeks setting aside of the compensation awarded by the Labour Court.

4. Learned counsel for the workman urged at the time of hearing that the workman was not given opportunity to file the reply to the charge sheet and the inquiry suffers from the violation of principles of nature justice. Learned counsel for the workman seeks enhancement of the compensation awarded by the Labour Court.

5. This Court is of the view that the termination of the workman by the management does not warrant any interference. This Court is also satisfied that the compensation of Rs.2,00,000/- awarded by the Labour Court is just, fair and reasonable and does not warrant any interference. However, the interest of 12% awarded by the Labour Court is on higher side and is, therefore, reduced to the bank rate of interest.

6. Bharat Electronics Limited deposited Rs.1,00,000/- with the Registrar General of this Court in terms of the order dated 17th January, 2019. As per the report of UCO Bank, the maturity value of the FDR for Rs.1,00,000/- as on today is Rs.1,98,199/- subject to TDS and pre-mature penalty.

7. The Registrar General is directed to release amount of Rs.1,00,000/-

deposited by the Bharat Electronics Limited to the workman, Bishan Swaroop Sharma along with interest accrued thereon within two weeks from today. The Bharat Electronics Limited is directed to pay further sum of Rs.1,00,000/- along with interest which has accrued on the earlier amount deposited by the petitioner, meaning thereby that the equivalent amount that would be released by the UCO Bank, shall be paid by the Bharat Electronics Limited to the workman, Bishan Swaroop Sharma within four weeks.

8. Both the writ petitioners are disposed of in above terms.
9. This Court appreciates the assistance rendered by learned counsels for both the parties in this matter.
10. Copy of this order be given *dasti* to counsels for the parties under signature of Court Master.



J.R. MIDHA, J.

JULY 15, 2019

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