

\$~13

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

%

Date of Decision: 14th May, 2019

+ W.P.(C) 7877/2011 & CM APPLN. 17832/2011

THE MANAGEMENT OF
MS/ DELHI TRANSPORT CORPORATION Petitioner

Through: Mr.Uday N. Tiwari, Mr.Shiv Kumar
Yadav, Advocates

versus

SMT.VIMLA DEVI Respondent

Through: Mr.G.S. Charya, Advocate along with
respondent in person

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

J U D G M E N T (O R A L)

1. The petitioner has challenged the award of the Labour Court whereby the Labour Court held the order of removal of the workman to be unjustified and the widow of the deceased workman was held to be entitled to pension and gratuity benefits.
2. The respondent removed the petitioner after enquiry for unauthorized absence. According to the petitioner, the workman remain absent for 73 days in 1987, 49 days in 1988, 127 days in 1989, 327 days in 1990.
3. Learned counsel for the petitioner submits that the petitioner removed the respondent after an enquiry by following the principles of natural justice and the findings of the Labour Court are not justified.
4. Learned counsel for the respondent submits that the respondent was

suffering from mental illness and therefore, the unauthorized leave was not deliberate or intentional.

5. This Court is of the view that there is no infirmity in the order of removal of the deceased workman on the ground of unauthorized absence. In that view of the matter, the widow of the deceased is not entitled to any pension as the deceased had not completed mandatory ten years of service. However, Rs.75,000/- is awarded to the widow of the deceased as compensation.

6. The writ petition is allowed in the above terms. The pending application is disposed of.

7. The respondent present in Court along with her counsel is satisfied with the award of compensation of Rs.75,000/- by this Court.

8. The petitioner is directed to make the payment of the compensation amount of Rs.75,000/- to Vimla Devi, widow of the deceased workman by transferring the same to her savings bank account No.90872010056613 of respondent with Syndicate Bank, Kalkaji DTC Depot Branch, IFSC Code SYNB0009087, MICR Code 110025082 within four weeks. The petitioner is further directed to transfer the gratuity amount of Rs.11,700/- and the provident fund amount of Rs.1,71,019/- (Employer's Share Rs.82,799/- and Employee's Share Rs.88,220/-) to the savings bank account of respondent within four weeks.

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

J.R. MIDHA, J.

MAY 14, 2019/dk