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

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Date of Decision: 06th May, 2019

+ W.P.(C) 90/2009

KRISHAN KUMAR KASHYAP

..... Petitioner

Through: Mr.Prem Parkash Relan, Advocate

versus

THE STATESMAN LTD

..... Respondent

Through: Mr.Samar Bansal, Ms.Devahuti
Pathak, Advocates

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT

1. The petitioner has challenged the award dated 18th October, 2008 whereby the Labour Court held the petitioner's termination to be illegal and a lump sum compensation of Rs.2,00,000/- was awarded to the petitioner. The petitioner is seeking enhancement of compensation.

2. The petitioner joined the services of the respondent as a Store Clerk on 07th January, 1967 and he was confirmed on 01st May, 1970. The respondent suspended the petitioner on 10th December, 1994 and issued a charge sheet on various grounds *inter alia* that he has refused to perform the assigned work; he was a habitual late comer; he signed official memos on his own without permission; he harassed the clients and disobeyed orders of superiors. The respondent found the petitioner guilty of misconduct after enquiry and dismissed him from service on 15th February, 1997 whereupon

the petitioner raised an industrial dispute which was referred to the Labour Court. The Labour Court held that the management failed to prove the charges against the petitioner and, therefore, the termination was held to be illegal. The petitioner attained the age of superannuation during the pendency of the proceedings before the Labour Court. The Labour Court, therefore, awarded a lump sum compensation of Rs.2,00,000/- to the petitioner.

3. Learned counsel for the petitioner urged at the time of the hearing that the petitioner claims Rs.6,72,000/- as full back wages from 15th February, 1997 till the age of superannuation; Rs.60,000/- towards allowances; Rs.72,000/- towards loss due to pay revisions in 1981 and 1990; Rs.1,00,000/- towards loss of HRA and DA from 1990 onwards; Rs.25,000/- towards LTA and Medical from 1995 to 2005; Rs.3,50,000/- towards loss due to revision of pay scales; Rs.3,00,000/- towards arrears of PF and gratuity; and Rs.36,000/- towards bonus.

4. Learned counsel for the respondent urged at the time of the hearing that the compensation of Rs.2,00,000/- awarded by the Labour Court is fair and reasonable. Without prejudice, it is submitted that the petitioner's claims are inflated and excessive. It was submitted that the respondent paid subsistence allowance of Rs.1,00,000/- during the pendency of the proceedings to be adjusted from petitioner's claims. It was further submitted that the claims are speculative and beyond the scope of present proceedings. It was further submitted that the petitioner neither raised these claims nor led any evidence in respect thereof before the Labour Court.

5. On careful consideration of the rival contentions of the parties, this Court is satisfied that the lump sum compensation awarded by the Labour

Court is on the lower side and it warrants enhancement. The petition is allowed and the lump sum compensation of Rs.2,00,000/- awarded by the Labour Court is enhanced to Rs.5,00,000/- along with interest at the rate of 6% per annum from the date of the publication of the award.

6. The enhanced compensation along with interest be paid to the petitioner by the respondent within four weeks.

MAY 06, 2019
ds

J.R. MIDHA, J.

