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

Date of Decision :- 14.10.2019

+ W.P.(C) 8859/2018

SH. NAVEEN KUMAR Petitioner

Through: Mr. Sudhir Sharma, Adv.

versus

M/S SIR GANGA RAM CITY HOSPITAL AND ANR.

.. Respondents

Through: Mr. Harvinder Singh with Mr. Shiven
Khurana & Ms. Nidhi Sanotra, Advs.
for R-1.

Mr. Pankaj Yadav & Mr. Priyaranjan
Dubey, Advs. for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

REKHA PALLI, J (ORAL)

1. The present writ petition filed by the workman assails the ex-parte award dated 10.04.2018 passed by the learned Labour Court-XVII, Dwarka Courts, New Delhi in LIR No.740/18. Under the impugned award the learned Labour Court had, after coming to the conclusion that the petitioner's services had been terminated eight months before the scheduled date, directed the respondent no.1 to pay a lump sum compensation of Rs.35,000/- to the petitioner.

2. Learned counsel for the petitioner submits that the petitioner is

aggrieved by the award as the Labour Court despite holding his termination to be illegal, has without any basis declined to grant him reinstatement. He therefore prays that the matter be remanded back to the Labour Court for fresh adjudication. At this stage, learned counsel for the respondent no.1 points out that since the impugned award was passed ex-parte, the said respondent has already moved an application seeking recall of the order dated 05.04.2018 whereby it was proceeded against ex-parte as also of the consequential impugned ex-parte award dated 10.04.2018. He submits that the said application is pending consideration before the learned Labour Court and is now listed on 24.10.2019, in which proceedings, the petitioner's authorised representative has already made a statement that he will not oppose the respondent's application for restoration as the petitioner is also seeking setting aside of the impugned award by way of the present petition.

3. In the light of the aforesaid, when both the parties are aggrieved by the impugned award, it would be appropriate and in the interest of justice to remand the matter back to the Labour Court for deciding the dispute afresh after giving due opportunity to both the parties to complete their respective pleadings and lead evidence.

4. The writ petition is accordingly allowed by setting aside the impugned award and remanding the matter back to the Labour Court for fresh adjudication. The respondent no.1 will file its reply before the learned Labour Court on the next date, i.e., 24.10.2019 whereafter the Court will proceed expeditiously with the matter in accordance with law.

5. However, keeping in view the fact that the respondent no.1's application for recall of the order dated 05.04.2018 and the impugned award dated 10.04.2018 will now be rendered infructuous, the respondent is directed to pay a sum of Rs.10,000/- as costs to the petitioner within two weeks from today.

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

REKHA PALLI, J.

OCTOBER 14, 2019

gm

