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

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Date of Decision: 08th July, 2019

+ W.P.(C) 11500/2018 & CM APPL.44464/2018

SHAHI EXPORTS PVT. LTD.

..... Petitioner

Through: Mr.Deepak Thukral, Advocate

versus

QAYUM AHMED

..... Respondent

Through: Mr.Rajat Sharma, Advocate

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The petitioner has challenged the award of the Labour Court whereby compensation of Rs.5,00,000/- has been awarded to the respondent in lieu of reinstatement.
2. The petitioner terminated the respondent on 04th April, 2008 after conducting an enquiry into the charge sheet dated 08th January, 2008. The learned Labour Court held that the enquiry was vitiated on account of the violation of the principles of natural justice. The learned Labour Court held that the reinstatement was not justified considering that both the parties have lost interest against each other. The learned Labour Court awarded compensation of Rs.5,00,000/- to the respondent.
3. Learned counsel for the petitioner urged at the time of hearing that the compensation awarded by the Labour Court is exorbitant considering that

the respondent had only two years of service and his last drawn salary was Rs.3,940/- per month. It is submitted that the petitioner offered Rs.2,00,000/- to the respondent during the mediation proceedings.

4. Learned counsel for the respondent urged at the time of hearing that the respondent had three years of service. It is further submitted that the respondent agreed to accept Rs.3,00,000/- during the mediation proceedings.

5. On consideration of the rival contentions of the parties, this Court is of the view that the petitioner should pay compensation of Rs.2,60,000/- to the respondent. The respondent present in Court agrees to accept Rs.2,60,000/- in full and final settlement.

6. The writ petition is allowed and the compensation awarded by the Labour Court is reduced from Rs.5,00,000/- to Rs.2,60,000/-. The pending application is disposed of.

7. The petitioner has deposited Rs.5,00,000/- with the Registrar General of this Court. The Registrar General is directed to pay Rs.2,60,000/- to the respondent and the balance amount along with interest accrued on Rs.5,00,000/- be released to the petitioner within four weeks.

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

J.R. MIDHA, J.

JULY 08, 2019

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