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

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Date of Decision: 24th July, 2019

+ W.P.(C) 10190/2018

GYANWATI

..... Petitioner

Through: Mr.Puneet Kumar Agarwal, Advocate

versus

PENTAMED HOSPITAL

..... Respondent

Through: Mr.Sanjoy Ghose, Mr.Rhishabh
Jetley, Advocates

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.65,000/- has been awarded to the petitioner in lieu of reinstatement and back wages. The petitioner is seeking enhancement of the compensation amount.
2. The petitioner joined the respondent as a Housekeeper on 04th September, 2008 and she was terminated from service on 01st March, 2012. The petitioner raised an industrial dispute which was referred to the Labour Court.
3. The Labour Court held the termination of the respondent to be illegal. However, the Labour Court declined the relief of reinstatement on the

ground that much time had lapsed after her termination. The Labour Court awarded compensation of Rs.65,000/- to the petitioner.

4. Learned counsel for the petitioner urged at the time of hearing that the compensation awarded by the Labour Court is on a lower side. The petitioner seeks enhancement of compensation to Rs.2,50,000/-. Reliance is placed on *Ashok Kumar v. M/s. Hindustan Vegetable Oil Co.*, W.P.(C)12666/2004 decided on 27th July, 2017.

5. Learned counsel for the respondent urged at the time of hearing that the compensation awarded by the Labour Court is fair and reasonable. It is submitted that the respondent has already paid Rs.69,388/- to the petitioner towards compensation of Rs.65,000/- and interest thereon.

6. This Court is of the view that the compensation awarded by the Labour Court is on a lower side. Considering the length of service and other relevant facts, the compensation awarded by the Labour Court is enhanced from Rs.65,000/- to Rs.1,50,000/-.

7. The respondent is directed to pay the enhanced compensation of Rs.85,000/- to the petitioner by transferring the same to his savings bank account within four weeks. If the enhanced compensation amount of Rs.85,000/- is not paid within four weeks, the respondent shall be liable to pay Rs.85,000/- along with interest @ 9% per annum from the date of the judgment till realization.

8. Learned counsel for the petitioner shall furnish the particulars of the savings bank account of the petitioner to learned counsel for the respondent within two weeks.

9. The writ petition is allowed in the above terms.

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

J.R. MIDHA, J.

JULY 24, 2019

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