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

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Date of Decision: 13th August, 2019

+ W.P.(C) 6694/2017

KRISHAN DABAS

..... Petitioner

Through: Mr.Prakhar Bhatnagar, Mr.Mohit Tyagi, Mr.Aman Kharb, Ms.Ritu Raj Kumari, Advocates

versus

M/S SAPPHIRE CABLES & SERVICES PVT LTD..... Respondent

Through: Mr.Jayant K. Mehta, Mr.Manikya Khanna, Ms.Drishti Harpalani, Mr.Pratyaksh Sharma, Advocates

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 dated 04th March, 2017 passed by the Labour Court whereby the Labour Court held the termination of the petitioner to be illegal and awarded compensation of Rs.3 lakh in lieu of reinstatement. The petitioner is seeking reinstatement with back wages and in the alternative, enhancement of the compensation.
2. The petitioner joined the respondent as a Cable Operator on 04th April, 2003. The respondent terminated the petitioner without any enquiry on 23rd February, 2011 whereupon the petitioner raised an industrial dispute which was referred to the Labour Court.
3. Learned counsel for the petitioner urged at the time of the hearing that

the petitioner has been illegally terminated. It is submitted that the petitioner is an ex-serviceman and he had unblemished record of eight years. It is submitted that there is no charge whatsoever against the petitioner and no enquiry was conducted by the respondent. It is further submitted that the petitioner be awarded reinstatement with back wages. In the alternative, it is submitted that the compensation amount be enhanced. Reliance is placed on *O. P. Bhandari v. Indian Tourism Development Corp. Ltd.*, (1986) 4 SCC 337 and *Kailash Singh v. The Managing Committee, Mayo College, Ajmer & Ors.*, 2018 SCC OnLine SC 1288.

4. Learned counsel for the respondent urged at the time of the hearing that the compensation awarded by the Labour Court is fair and reasonable. It is submitted that the petitioner being an ex-serviceman can get an alternative suitable job.

5. This Court is of the view that the reinstatement of the petitioner is not warranted in the present case. However, the petitioner is entitled to the enhancement of the compensation amount. Considering that the petitioner had an unblemished record of eight years of service; there was no chargesheet issued by the respondent to the petitioner; no enquiry whatsoever was conducted by the respondent against the petitioner and the termination of the petitioner is illegal as held by the Labour Court; the petitioner is entitled to the compensation equivalent to salary of 3.33 years. The last drawn salary of the petitioner was Rs.20,000/- per month and compensation equivalent to 3.33 years of service is computed as Rs.8,00,000/-.

6. The writ petition is allowed and the compensation awarded by the Labour Court is enhanced from Rs.3 lakhs to Rs.8 lakhs along with interest

@9% per annum from the date of the award i.e. 4th March, 2017.

7. The respondent is directed to pay the compensation amount to the petitioner within four weeks failing which the petitioner would be at liberty to enforce the award in accordance with law.

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

AUGUST 13, 2019

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J.R. MIDHA, J.

