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

Date of decision: 21st October, 2021

+ **W.P.(C) 4454/2002**

**MAHATMA GANDHI ENERGY PLANNING
& DEV.**

..... Petitioners

Through: Ms. Avnish Ahlawat, Standing
Counsel (GNCTD) and Mr. N.K.
Singh, Advocate.

versus

RAVINDER KUMAR & ANR.

..... Respondents

Through: Mr. Yudhveer Singh Chauhan,
Advocate.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. This Court had directed the Registry to list old matters on a daily basis. This is one such matter of the year 2002.
3. The present petition has been filed challenging the impugned Award dated 2nd March, 2002 passed by the Labour Court in *I.D. No. 272/99* titled *The Management of M/s. Mahatma Gandhi Institute of Integrated Rural Energy Planning and Development, Bakoli v. Sh. Ravinder Kumar*. By the impugned Award, the Respondent No.1/Workman's termination was held to be illegal and reinstatement in service with full back wages was directed.
4. The background of the case is that the Workman who had studied till 5th standard had a hearing and speech impairment. He made a representation to the then Chief Minister of Delhi, seeking a job. His representation was forwarded to the Director of the Mahatma Gandhi Institute, Bakoli. He was

appointed as a helper on 6th December, 1996 on daily wages w.e.f. 22nd October, 1996 and his services were extended from time to time during the period between 1997-1998. The last extension was granted up to 18th July, 1998. On 19th March, 1999, the Workman raised an industrial dispute on the ground that he was terminated illegally. The terms of reference were as follows:

“Whether the services of Shri Ravinder Kumar have been terminated illegally and/or unjustifiably by the management, and if so to what relief is he entitled and what directions are necessary in this respect?”

5. On 21st September, 1999, the Workman filed his statement of claim. Vide impugned Award dated 2nd March, 2002, the Labour Court held that the termination of the Workman’s services was illegal, in view of the fact that the Management has failed to adduce any evidence in the matter, and the evidence of the Workman was taken as unrebutted by the Labour Court. The operative portion of the impugned Award dated 2nd March, 2002 reads as under:-

“10. Although it was contended on behalf of the management that termination of service of workman were fully justified and legal, yet the management has failed to adduce any evidence has no reason to disbelieve the evidence adduced by workman which has established that services of workman were terminated by the management not only illegally but also unjustifiably. This issue is decided in favour of workman and against the management.

ORDER:

Consequent upon the decision of sole issue in favour of workman and against the management, it is held that services of Sh. Ravinder Kumar were terminated by the management not only illegally but

also unjustifiably. Therefore, he is entitled for reinstatement in service with full back wages.

Accordingly, the appropriate government is advised to direct the management to reinstate the workman at the post of Helper and pay him his full back wages @ Rs. 2,000/- or at the minimum wages prescribed by the appropriate government from time to time for the post of Helper whichever is higher since 18.7.98 till the actual date of reinstatement in service. It is further held that arrears of back wages are not paid to the workman within 3 months from the date of publication of this award, then he will also be entitled for simple interest @ 12% per annum.

11.A copy of the Award be sent to the appropriate government for publication.”

6. Before this Court, the matter was listed for the first time on 26th July, 2002. On the said date, the Court was of the opinion that there is no prima facie error in the impugned Award. However, notice was issued on a statement made by the Id. Counsel appearing for the Management that the Management would like to settle the matter. The said order dated 26th July, 2002 reads as under:-

“Having gone through the record of the case, there does not appear to be any prima facie error in the impugned Award.

Learned counsel for the Petitioner says that her client would like to settle the matter out of Court.

Issue notice to Respondent No. 1 returnable on 25th October, 2002.”

7. Vide order dated 15th May, 2003, the amount payable as per the impugned Award was directed to be deposited with the Court. Efforts have been made for settlement of the dispute. However, it appears that no

settlement was arrived at between the parties.

8. Almost 20 years have passed since the passing of the impugned Award dated 2nd March, 2002. The Workman is a person with hearing and speech impairment, who has rendered continuous service to the Management. The Workman had been re-engaged by the Management and is still continuing to work with the Management.

9. Considering the special condition of the Workman in the present case as also the fact that the awarded amount has been deposited before this Court way back in 2003, this Court is of the opinion that the impugned Award does not warrant any interference, especially owing to the fact that the Management failed to lead any evidence and the Workman continues to work with the Management after the passage of almost 20 years. Accordingly, the impugned Award dated 2nd March, 2002 is upheld.

10. The awarded amount which was deposited in 2003 was Rs. 1,43,574/- which along with interest is now stated to be approx. Rs.5.12 lakhs as of September 2021. The same is lying deposited with the Court. The amount deposited along with the entire interest accrued thereon (minus TDS on interest component, if any) is now directed to be released to the Workman directly into his bank account, by 29th October, 2021. Mr. Chauhan, Id. Counsel for the Workman, to ensure that the bank account details of the Workman be filed by Monday i.e., 25th October, 2021.

11. The present petition, along with all pending applications, is disposed of, in the above terms. Mrs. Ahlawat submits that the legal issues raised by the Petitioner-Management be left open. The legal issues raised are accordingly left open.

12. List before the Registrar on 29th October, 2021 for the purpose of

ensuring payment to the Workman.

13. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as the certified copy of the order for the purpose of ensuring compliance. No physical copy of orders shall be insisted by any authority/entity or litigant.

PRATHIBA M. SINGH
JUDGE

OCTOBER 21, 2021
MR/AD

