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

+ LPA 134/2023 & C.M. APPLs. 8583/2023 & 13313/2023

CHANDRA PRAKASH TIWARI & ANR. Appellants

Through: Mohd. Sahil with Mr. Digvijay
Sharma, Advocates.

versus

M S PADMINI TECHNOLOGIES LTD Respondent

Through: Ms. Meghna Mishra with Mr. Tarun
Sharma and Mr. Yashodhara Gupta,
Advocates.

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Date of Decision: 10th November, 2023

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MINI PUSHKARNA

J U D G M E N T

1. Present appeal has been filed challenging the judgment dated 01st July, 2019 passed by the learned Single Judge in *W.P.(C) 8648/2010*. By way of the impugned judgment, the writ petition filed on behalf of the appellants was partly allowed by enhancing the compensation payable to the appellants over and above what was awarded by the learned Labour Court, in lieu of reinstatement since the respondent company had already closed down.

2. It is the case on behalf of the appellants that they were working with the respondent company. Appellant no.1 was confirmed as Executive on 01st September, 2000, while appellant no.2 was appointed on 19th June, 1995 and



confirmed as Office Assistant on 21st April, 1997 by the respondent company. As per the appellants, the Management of the respondent company suddenly stopped paying their salaries and other benefits from March, 2002 without giving any intimation of any kind to them. Thus, they raised industrial dispute claiming their reinstatement on the ground that they had been terminated illegally by the Management of the respondent company.

3. By Award dated 19th September, 2010, the learned Labour Court held that the respondent company had closed down and thus, awarded lumpsum compensation of Rs. 50,000/- to appellant no.1 and Rs. 1 lakh to appellant no.2 towards all their monetary claims in lieu of reinstatement.

4. Upon challenge, the learned Single Judge dismissed the prayer of the appellants for their reinstatement, however, enhanced the amount of compensation payable to the appellants to the extent of Rs. 50,000/- qua appellant no.1 and Rs. 30,000/- qua appellant no.2. Thus, the present appeal has been filed on behalf of the appellants.

5. Having heard learned counsel for the parties and having perused the record, it is manifest that the respondent company is no longer in operation and has already closed down. This court notes that the learned Single Judge has already enhanced the compensation payable to the appellants over and above what was granted by the learned Labour Court. Therefore, there is no infirmity in the judgment passed by the learned Single Judge denying the relief of reinstatement to the appellants. Thus, the learned Single Judge has rightly held as follows:

“28. It is apparent thus that in the instant case there is no infirmity in the impugned award of the learned Labour Court in as much as there is no infirmity in the analysis of the evidence led by the parties by the



learned Labour Court. In the circumstances, qua the contention raised on behalf of the workmen that they ought to have been reinstated, it is essential to observe that the grant of the relief of reinstatement is not automatic and specially in the facts and circumstances of the instant case where the Management of M/s Padmini Technologies Ltd. Has itself closed down, there is no scope of any reinstatement. The other contention raised on behalf of the workmen is to the effect that the compensation awarded is meagre. Taking into account the entire facts put forth, however, there appears no infirmity even in the determination of the compensation already directed to be paid vide the impugned award.”

6. Even otherwise, the present appeal has been filed by the appellants after a gross delay of 1260 days. No satisfactory or appropriate explanation has been given as regards the delay in filing the present appeal. Holding that no court would be justified in condoning delay where a party is found to have not acted diligently or has remained inactive, Supreme Court in the case of **Ajay Dabra Vs. Pyare Ram and Others**¹ has held as follows:

“13. This Court in the case of Basawaraj v. Special Land Acquisition Officer⁸ while rejecting an application for condonation of delay for lack of sufficient cause has concluded in Paragraph 15 as follows:

“15. The law on the issue can be summarised to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the “sufficient cause” which means an adequate and enough reason which prevented him to approach the court within limitation. In case a party is found to be negligent, or for want of bona fide on his part in the facts and circumstances of the case, or found to have not acted diligently or remained inactive, there cannot be a justified ground to condone the delay. No court could be justified in condoning such an inordinate delay by imposing any condition whatsoever. The application is to be decided only within the parameters laid down by this Court in regard to the condonation of delay. In case there was no sufficient cause to prevent a litigant to approach the court on time condoning the delay without any justification, putting any condition whatsoever, amounts

¹ 2023 SCC OnLine SC 92



to passing an order in violation of the statutory provisions and it tantamounts to showing utter disregard to the legislature.””

7. In view of the aforesaid, this Court is not inclined to interfere with the judgment passed by the learned Single Judge. The present appeal is accordingly dismissed with all the pending applications both on merits as well as delay.

THE ACTING CHIEF JUSTICE, J

MINI PUSHKARNA, J

NOVEMBER 10, 2023

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