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

% *Decided on: 08.05.2023*

+ LPA 231/2019

VIJENDER KUMAR

..... Appellant

Through: Ms. Shobhana Takiar and Mr.
Kuljeet Singh, Advocates.

versus

NEW DELHI MUNICIPAL COMMITTEE Respondent

Through: Mr. Vaibhav Agnihotri,
Advocate.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

HON'BLE MR. JUSTICE GAURANG KANTH

NAJMI WAZRI, J. (ORAL)

The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. The sole ground for impugning the order dated 10.12.2018 passed in W.P. (C) 8438/2009 is that, albeit it has upheld the award dated 15.07.2008 passed by the Labour Court, Karkardooma Court, Delhi, the penalty for termination of service was rather harsh apropos the appellant who, employed way back in 1994 and was removed from service on account of alleged absence from duty, amounting to misconduct. In lieu of his reinstatement and back wages, the impugned order upheld the award of Rs.70,000/- as compensation on the basis of the

dicta of the Supreme Court in *Management, Hindustan Machine Tools Ltd.. Vs. Ghanshyam Sharma* 2018 SCC OnLine SC 2254.

2. The rationale of the said dicta is that in certain circumstances, it may not be possible to direct reinstatement, therefore back wages could be preferred for compensation. Since the petition was disposed-off only on the ground of fixation of compensation, the issue now raised by the appellant for consideration is whether quantum of Rs.70,000/- awarded as compensation in lieu of reinstatement and back wages is a fair amount. The appellant had worked for merely 6 months.
3. The court is of the view that this amount of Rs.70,000/- as penalty for termination of service is of little consequence in today's world. Accordingly, an amount of Rs.2,50,000/- is awarded to the appellant as compensation.
4. In terms of the award of the Labour Court, Rs.70,000/- lumpsum was to be paid within two weeks, failing which interest @18% p.a. was to be paid by the respondent. The impugned order has upheld the said amount. In this circumstance, if the said monies have been deposited, then the deposited amount along with interest accrued thereon, shall be paid to the appellant within four weeks from receipt of copy of this order. Otherwise, on Rs.70,000/- interest @18% p.a. will be paid from the date of the award of the Labour Court. On the remaining amount of Rs.1,80,000/-, no interest will be payable. Let the monies be paid within four weeks from receipt of copy of this order.

5. The appeal is disposed-off in terms of the above.

NAJMI WAZIRI, J

GAURANG KANTH, J

MAY 8, 2023

RW

