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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 928/2020**

SANDEEP GOYAL

..... Petitioner

Through: Mr.Sarfaraz Khan, Mr.Mirza Amir
Baig and Mr.Abdul Wahid,
Advocates

versus

EAST DELHI MUNICIPAL CORPORATION & ANR

..... Respondents

Through: Mr.Kumar Rajesh Singh, Advocate
for R-1
Ms.____, Advocate for R-2
(appearance not given)

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

06.03.2024

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1. The present petition has been filed under Article 226 of the Constitution of India seeking the following reliefs:

“In view of the facts and circumstances mentioned hereinabove, this Hon’ble Court may be kind enough to quash / set aside the impugned award dated 03.09.2019 passed by Shri Avtar Chand Dogra (Presiding Officer) CGIT cum Labour Court-I, New Delhi in DID No. 67/2017 titled as Sandeep Goyal Versus East Delhi Municipal Corporation and Another and further grant relief prayed in Statement of Claim.”

2. The petitioner joined the services of the respondent no. 1 (‘respondent Corporation’ hereinafter) as a workman in the year 2014 at a monthly salary



of Rs.8,000/-.

3. Pursuant to termination of the petitioner in the year 2016, a claim bearing no. 67/2017 was filed by him seeking reinstatement with full back wages and continuity of services.

4. Pursuant to completion of proceedings, the learned Labour Court passed the award dated 3rd September, 2019 thereby, granting a lump sum compensation of Rs.1,00,000/- to the petitioner.

5. Aggrieved by the non-grant of the compensation as sought in the statement of claim, the petitioner has preferred the instant petition.

6. The learned counsel for the petitioner submitted that the learned Court below erred in granting a meagre compensation of Rs.1,00,000 to the petitioner.

7. It is submitted that the learned Court below overlooked the fact that the respondent Corporation did not bother to lead the evidence in their favour, thereby depicting the negligence on their part.

8. It is also submitted that the petitioner will suffer irreparable injury if the present petition is not allowed as the petitioner has already suffered huge financial loss and non-enhancement of the compensation would add to his misery.

9. Therefore, in light of the foregoing submissions, the learned counsel for the petitioner submitted that the present petition be allowed and compensation be enhanced as prayed for.

10. *Per Contra*, Mr.Singh, learned counsel appearing on behalf of the respondent vehemently opposed the submissions made by the learned counsel appearing on behalf of the petitioner submitting to the effect that there is no merit in the instant appeal and that the learned Labour Court



whilst passing the impugned award has erred in granting any compensation to the petitioner.

11. It is submitted that the petitioner has failed to establish the employee-employer relationship between the parties and therefore, no right is created against the respondent Corporation.

12. It is also submitted that the respondent Corporation has filed an appeal against the impugned award and therefore, the issue of enhancement of compensation does not arise in any manner.

13. Therefore, it is submitted that there is no illegality apparent on the face of record in the impugned order warranting interference of any writ jurisdiction, the present petition be dismissed.

14. Heard the learned counsel for the parties.

15. It is the case of the petitioner that the compensation as awarded to the petitioner is very less and the learned Court ought to have awarded the amount as sought by the petitioner in his statement of claim, however, the learned counsel for the respondent Corporation has opposed the said submission and contended that the petitioner is not even eligible to get any compensation as he failed to establish the employer-employee relationship.

16. Pursuant to perusal of the material on record, i.e., the impugned award, and the statements of claim, it is made out that the learned Tribunal had granted a lump-sum compensation of Rs.1,00,000/- to the petitioner only after considering the entire evidence on record. In the instant case, the primary grievance of the petitioner is that despite passing of a favourable award the compensation amount of Rs.1,00,000/- awarded to him is very less. Therefore, without pressing the case on merits, the petitioner prayed for enhancement of compensation amount.



17. Having heard both the parties at length and after perusing the records, this Court is of the opinion that even though the petitioner has succeeded before the Tribunal in proving his claim, the learned Tribunal has awarded only an amount of Rs.1,00,000/- as compensation to him.

18. Keeping in mind and considering the factum that the petitioner is now not pressing any other relief except for enhancement of the compensation, this Court is inclined to enhance the compensation awarded to the petitioner by Rs.3,00,000/-.

19. Thus, the respondent MCD is directed to pay Rs.3,00,000/- in addition to the compensation already granted by the learned Court below within a period of eight weeks.

20. The petition stands disposed of in above terms.

CHANDRA DHARI SINGH, J

MARCH 6, 2024
SV/AV

Click here to check corrigendum, if any