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

+ **W.P.(C) 3834/2007**

MISS ANNA P.M.

..... Petitioner

Through: Mr. H. K. Chaturvedi, Ms. Anjali Chaturvedi, Mr. Sagar Chaturvedi, Ms. Megha Chaturvedi and Mr. Ramaditya Jadon, Advocates

versus

THE MGMT. OF SH.MOOLCHAND KHAI

..... Respondent

Through: Dr. M.Y.Khan, Advocate

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

14.03.2024

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1. The instant petition under Articles 226 and 227 of the Constitution of India has been filed on behalf of the petitioner seeking the following reliefs:

“(a) Issue an appropriate writ/orders/directions thereby modifying the impugned award dated 16.04.2007 in I. D. No. 163/2004 (Old No. 1357/96) passed by the Presiding Officer, Labour Court No. XI, Delhi, thereby granting full back wages instead of compensation;

(b) Remand the case back to the Labour Court for passing an appropriate award as per observation of this Hon’ble Court for granting the full back wages,

(c) Issue further directions to make the payment of full back wages not less than minimum wages or last drawn wages which ever is higher;

(d) Allow the cost of the petition in the interest of justice as the petitioner has been compelled by the respondent to approach this Hon’ble Court;

(e) Pass such other & further orders, as this Hon’ble Court may deem fit & proper in the interest of justice.”



2. The learned counsel appearing on behalf of the petitioner submits that the learned Tribunal erred in rejecting the full back wages despite terming the termination of the petitioner as illegal.

3. It is further submitted that the learned Tribunal awarded meagre compensation of Rs. 50,000, whereas the petitioner is duly entitled for the back wages.

4. *Per Contra*, the 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 taken all the facts and circumstances into consideration.

5. Heard

6. The primary grievance for filing of the instant petition is whether the compensation granted by the learned Tribunal is adequate or not. During the course of proceedings, without arguing on merits, the learned counsel for the petitioner prayed for enhancement of the compensation,

7. Therefore, without getting into merits of the case, in interest of justice the compensation as awarded to the petitioner is enhanced to Rs. 1,00,000/- and the respondent is directed to pay the said amount within a period of six weeks.

8. The petition stands partly allowed in above terms. Accordingly, the instant petition stands disposed of along with pending applications, if any.

9. Pursuant to partly allowance of the instant petition, the learned counsel for the respondent submitted that a Writ Petition bearing no.



4804/2007 was filed by the respondent against the impugned award and the same is not listed today. It is further submitted that since the compensation has already been enhanced, nothing is left for adjudication in the said petition, therefore, the respondent may be allowed to withdraw the same.

10. In light of the aforesaid submission by the learned counsel for the respondent, the Registry is directed to list W. P. (C) 4804/2007 on 28th March, 2024.

CHANDRA DHARI SINGH, J

MARCH 14, 2024
gs/av

[Click here to check corrigendum, if any](#)