



\$~3

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

+ LPA 566/2019

SUNIL KUMAR

..... Appellant

Through: Mr. B. S. Bagga and Mr. Jitender
Khurana, Advocates.

versus

M/S INDIAN INSTITUTE OF FOREIGN TRADE Respondent

Through: Mrs. Ginny J. Rautray, Mr. Navdeep
Singh, Ms. Devika Thakur and Mr.
Ranvijay Singh, Advocates.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

18.03.2024

%

CM APPL. 39574/2019 (Delay 43 days)

1. This is an application filed by the appellant seeking condonation of 43 days delay in filing the appeal.
2. Despite repeated opportunities, no reply to the application has been filed
3. In the light of the aforesaid and for the reasons stated therein, the application is allowed. Consequently, the delay of 43 days in filing the appeal stands condoned.
4. The application is, accordingly, disposed of.



LPA 566/2019

5. The present appeal under Clause X of the Letters Patent seeks to assail the order dated 07.05.2019 passed by the learned Single Judge in W.P. (C) 2600/2003 insofar as the quantum of compensation is concerned.

6. In support of the appeal, learned counsel for the appellant submits that the compensation of Rs.80,000/- in lieu of reinstatement awarded by the learned Single Judge is highly inadequate. He contends that taking into account that the appellant had worked with the respondent for two years, i.e., from 1981 to 1983 and has now expired leaving behind his ailing widow and son, the compensation of Rs. 80,000/- deserves to be enhanced. He, therefore, prays that the appeal be allowed and the amount granted in terms of order dated 07.05.2019 be enhanced to at least Rs.5 lakhs.

7. On the other hand, learned counsel for the respondent supports the impugned order and submits that taking into account that the appellant had worked only for two years, the amount awarded by the learned Single Judge cannot said to be inadequate.

8. Having considered the submissions of learned counsel for the parties and perused the record, we are of the considered opinion that the compensation granted by the learned Single Judge is highly inadequate. Taking into account that the appellant had worked with the respondent for two years, i.e., from 1981 to 1983, we are of the view that the compensation is required to be enhanced to Rs. 2,50,000/-.

9. The appeal is, accordingly, allowed by modifying the



impugned order and directing the respondent to pay to the appellant, a sum of Rs. 2,50,000/-, towards full and final settlement of all his dues in terms of the Award dated 08.06.2000 passed by the learned Labour Court and the impugned decision dated 07.05.2019 of the learned Single Judge W.P. (C) 2600/2003.

10. Learned counsel for the appellant further submits that since the original appellant has passed away, the amended memo of parties for bringing on record his legal representatives i.e., his widow namely, Smt. Darshana Khurana and his son namely, Nitin, will be filed within one day. He further submits that the legal representatives of the deceased have agreed that the amount be paid exclusively in favour of Smt. Darshana Khurana, the widow of the appellant.

11. In the light of the aforesaid, it is directed that a request letter from Mr. Nitin, the son of the deceased appellant for payment of compensation in favour of his mother, Smt. Darshana Khurana be provided to the learned counsel for respondent within two days. Upon receipt of this request letter, the amount in terms of this order be paid by the respondents to Smt. Darshana Khurana within a period of six weeks. In case the amount is not paid within this period of six weeks, the same will be paid alongwith interest of 9% per annum from today. Needless to state, after the amount is received by Smt. Darshana Khurana in terms of this order, the award passed by the learned Labour Court and order passed in the writ petition will no longer be enforceable.



12. The appeal stands disposed of in the aforesaid terms.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

MARCH 18, 2024

P