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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P.(C) 5562/2013  
SATPAL ..... Petitioner

Through: Ms.Rashmi B. Singh, Advocate

versus

DELHI TRANSPORT CORPORATION ..... Respondent  
Through: Ms.Avnish Ahlawat, SC  
(through VC)

**CORAM:**  
**HON'BLE MR. JUSTICE CHANDRA DHARI SINGH**

**ORDER**  
**24.04.2024**

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1. The present petition has been filed under Article 226 read with Article 227 of the Constitution of India seeking the following reliefs:

- A. Issue an appropriate writ or direction in the like nature, modifying the award 01.11.2010 to the extent that the back wages may kindly be awarded to the petitioner, from the date of the termination of the services on 08.07.1994 till the date of superannuation along with all the consequential benefits.*
- B. Issue an appropriate writ or direction, directing the respondent to release his retiral dues and pensionary benefits.*
- C. Pass any other/further order(s)/direction(s), as deeme fit and proper by this Hon'ble Court, in the facts and circumstances of the case.*

2. The crux of the present matter pertains to illegal termination of the petitioner ('petitioner workman' hereinafter) who was employed as R/C conductor with the respondent ('respondent Corporation' hereinafter). Pursuant to termination in 1994, the petitioner approached the learned Labour Court, whereby, the learned Court below held the termination to be illegal and therefore directed the reinstatement of the petitioner *vide* award



dated 1<sup>st</sup> November, 2010.

3. The learned counsel appearing on behalf of the petitioner submitted that despite passing the award in his favour, the learned Labour Court granted a meagre amount of Rs.1,00,000/- as compensation to the petitioner.

4. It is submitted that the learned Court below ought to have appreciated the fact that the petitioner workman was not gainfully employed anywhere, therefore, awarding the sum of Rs.1,00,000/- is not justified and the petitioner should be granted full backwages.

5. *Per Contra*, the learned counsel appearing on behalf of the respondent Corporation submitted that the petitioner has already accepted the amount awarded in the impugned award, therefore, the instant petition being time barred is a gross abuse of the process of law.

6. The learned counsel further submitted that the impugned award does not suffer from any infirmity as the same has been passed on the basis of evidence and record produced before the learned Labour Court, therefore, it is submitted that the present petition, being devoid of any merit may be dismissed.

7. Heard the learned counsel appearing on behalf of the parties and perused the records.

8. It is a well settled principle that the Courts are vested with discretion to award compensation to the workman as a remedy for unjustified and premature termination of employment in certain instances especially in cases involving unlawful termination.

9. Therefore, even though the labour Court has already decided the quantum of compensation, the Court has the discretion to enhance the same if it deems adequate as per the facts and prevailing circumstances of the



case.

10. In view of the above said discussion, the submissions advanced by the learned counsel for the parties and factual position of the petitioner workman superannuating in the year 2010, this Court, in the interest of justice, is considering the averments made on behalf of the petitioner that the impugned award may be modified to the extent of compensation.

11. In this backdrop, this Court does not find any merit in the instant petition for grant of backwages, however, since the petitioner was terminated in 1994, and the petitioner workman has already been superannuated and considering the lapse of a considerable amount of time, this Court deems it appropriate to enhance the compensation to Rs.1,50,000/-.

12. In view of the above, the impugned award is modified to the extent that an additional compensation amount of Rs.50,000/- shall be paid to the petitioner workman within a period of six weeks from the date of this order.

13. With the aforesaid observations, the present petition along with pending applications, if any, is disposed of.

14. The order be uploaded on the website forthwith.

**CHANDRA DHARI SINGH, J**

**APRIL 24, 2024**  
SV/AV

*Click here to check corrigendum, if any*