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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 2484/2023**

**PRABAL PRATAP**

.....Petitioner

Through: Mr. Pradeep Kumar Shukla and Mr.  
Yuvan Raj Gandhi, Advocates.

versus

**M/S WATCH DOG SECURITY AND DETECTIVE AGENCY PVT  
LTD**

.....Respondent

Through: Mr. Deepak Sharma, Mr. Ashish  
Sharma and Mr. Neeraj Kumar,  
Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**ORDER**

**09.07.2025**

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1. By way of present petition, the petitioner seeks to assail the Award dated 27.08.2022 passed by Presiding Officer, Labour Court-V, Rouse Avenue Court Complex, New Delhi in NEW DID No. 2413/2016.
2. In the statement of claim, the workman/petitioner claimed himself to be employed with the management/respondent as Security Guard since 16.05.1992 at a monthly salary of Rs.3240/-. It was claimed that the petitioner was not paid wages from 01.06.2003 to 20.06.2003, on which day his services were illegally terminated. The claim was resisted by the respondent, contending that not only the petitioner approached the Labour Court after a long delay of 8 years but also the claim was not maintainable, inasmuch as, way back in the year 2003, the petitioner had raised a claim and in the conciliation proceedings held before the Deputy Labour



Commissioner, a full and final settlement was arrived at between the parties. In furtherance thereof, a sum of Rs.12,098/- was paid to the petitioner. The Labour Court, while considering the aforesaid, dismissed the claim petition.

3. Before this Court, learned counsel for the petitioner contends that the petitioner denied the factum of entering into any settlement as well as signatures on the settlement documents produced before the Labour Court and as such, the reliance on the same was illegal and unjustified.

4. *Per contra*, learned counsel for the respondent reiterates his contentions on the claim being time barred as well as the petitioner being guilty of concealment of settlement documents in his statement of claim. He submits that in the cross-examination, the petitioner not only admitted as to the proceedings that took place before the Conciliation Officer in the year 2003 but also admitted to him being re-employed with one M/s Orion Security Solution for two and a half years with effect from 01.08.2013. He further admitted to having filed an industrial dispute against another firm M/s SIS Cash Services Pvt. Ltd which would show that the petitioner did not remain unemployed after leaving the services of the respondent.

5. During the course of submissions, attention of the Court is invited to the settlement documents placed on record. Learned counsel for the respondent contended that some of the settlement documents are in the nature of full and final payment slip, payment voucher, receipt and Memorandum of Settlement out of which two documents bear the stamp and signatures of the Conciliation Officer. It is further submitted that though the petitioner denied the factum of settlement or his signatures on same, the original settlement agreement was produced before the Labour Court. Moreover, during the course of submissions, learned counsel for the



respondent submits that without prejudice to its rights and contentions, the respondent is willing to pay a further sum of Rs.50,000/- to the petitioner on humanitarian grounds.

6. Learned counsels for both the parties submit that wages were in accordance with minimum wages prescribed by the concerned authority.

7. It is a well-settled legal proposition that wrongful termination in itself would not automatically entitle the workman to seek reinstatement as an inherent right. The factors which the Labour Court should take into account before exercising judicial discretion and granting relief in an industrial dispute have been neatly carved out by the Supreme Court in Rajasthan State Agriculture Mktg. Board v. Mohan Lal,<sup>1</sup> in the following manner:-

*19...The legal position laid down by this Court in Gitam Singh [Rajasthan Development Corpn. v. Gitam Singh, (2013) 5 SCC 136 : (2013) 2 SCC (L&S) 369] that before exercising its judicial discretion, the Labour Court has to keep in view all relevant factors including the mode and manner of appointment, nature of employment, length of service, the ground on which termination has been set aside and the delay in raising industrial dispute before grant of relief in an industrial dispute, must be invariably followed.*

8. A perusal of the record would show that the claim before the Labour Court for earned salary, leave amount, overtime amount, bonus amount and minimum salary arrear was only for a period of 20 days i.e. w.e.f. 01.06.2003 to 20.06.2003. The petitioner had claimed to have been paid monthly wages @ Rs.3240/-.

9. In the peculiar facts of the case and considering the claim and the petitioner's admission of being re-employed, respondent's offer of Rs.50,000/- is held to be justified. Accordingly, let the amount of

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<sup>1</sup> (2013) 14 SCC 543



Rs.50,000/- be paid to the petitioner within four weeks from today.

10. The petition is disposed of in the above terms.

**MANOJ KUMAR OHRI, J**

**JULY 9, 2025**

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