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

\+ W.P.(C) 7363/2025, CM APPL. 33065/2025 and CM APPL. 33066/2025

M/S SUPERFIL ENGINEERS PVT LTD .....Petitioner

Through: Mr. Rahul Sharma, Ms. Jyoti Dutt, Mr. Anil Panwar, Mr. Manikant Sharma and Ms. Shikha Singh, Advs.

versus

SHRI SURENDER SINGH .....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

O R D E R

% **29.05.2025**

CM APPL. 33065/2025

1. Allowed, subject to all just exceptions.

2. Application is disposed of.

W.P.(C) 7363/2025 & CM APPL. 33066/2025

1. The present petition has been instituted under Articles 226/227 of the Constitution of India by the petitioner seeking to impugn the award dated 14.10.2024 bearing LIR No.6116/2016 titled as 'Surender Singh v. Superfil Engineers Pvt. Ltd.' passed by the learned Labour Court, Rouse Avenue Courts, New Delhi.

2. Vide the impugned award, the Labour Court partly allowed the claim petition filed by the respondent/workman and granted a lumpsum

compensation amount of Rs.1 lakh, to be paid within 30 days of publication of award, failing which, an additional interest @ 6% per annum was directed to be paid till the date of its realization.

3. Notably, the learned Labour Court passed the impugned award while considering the following reference sent to it by the Deputy Labour Commissioner, District West, Labour Department, GNCTD.

> *"Whether the services of workman Sh. Surender Singh s/o Late Sh. Jagar Singh have been terminated Illegally and/or unjustifiably by the management; and if so, to what relief is he entitled and what directions are necessary in this respect?"*

4. The workman/respondent filed his statement of claim thereby claiming that he was employed with the management/petitioner as 'Fitter' since 27.10.2007 and his last drawn wages were Rs.7500/- per month. It was further claimed that the management not only failed to pay for the four hours overtime daily, but also did not provide minimum wages as prescribed by the Competent Authority which was Rs.10,478/- per month. It was also claimed that the other legal benefits such as appointment letter, leave book, salary slip, attendance card, weekly and yearly off, bonus, double overtime, house allowance, transport allowances, etc., were not provided as well. The management, on the other hand, contested the above and claimed the workman's last drawn salary to be Rs.10,478/- per month.

5. It is the workman/respondent's claim that during the course of employment, on 17.01.2015, the workman received a telephone call from his home informing him about the medical illness of his wife. The workman submitted a written application for half day leave post lunch. Instead of being granted the leave, as requested by him, the workman was rather told

not to come on duty at all thereafter. The workman immediately complained to the Assistant Labour Commissioner of his illegal termination. It was also claimed that a demand notice was sent to the petitioner on 19.01.2015, requesting reinstatement, which remained unanswered. The workman further claimed that he had additionally not been paid wages for the period from 01.01.2015 to 17.01.2015 and demanded full wages for the said period.

6. Before the Labour Court, the petitioner/management contended that the services of the respondent/workman were never terminated, rather he absented himself from duty, with effect from 19.01.2015, without notice or sanction of leave. It was further claimed by the management that the said demand notice was never received and that, in fact, vide letter dated 22.01.2015, the workman was asked to explain the reasons for his absence and why disciplinary action should not be taken against him, although it was admitted on behalf of the management that on 17.01.2015, a leave application was received on the workman's behalf.

7. Before this Court, learned counsel appearing for the petitioner-management reiterates its contention that present is a case of workman absenting from duty and not a case of illegal termination of service. It was stated that even during the pendency of proceedings before the Labour Court, an offer was given to the workman to join back the duty. However, it is submitted that the workman chose to never re-join service.

8. On a conspectus of sequence of events, it is apparent that indisputably, on 17.01.2015, due to an emergency in his family, the workman sought half day's leave to attend to his ailing wife. When he was not permitted to join back thereafter, he immediately approached the Assistant Labour Commissioner and sent a demand notice to the

petitioner/management on 19.01.2015. It is worthwhile to note that in this regard, at the time of evidence, the management witness admitted the postal address where the said demand notice was issued, to be correct, however, claimed that the said notice was never received by it. There was no question put to the workman in this regard at the time of his cross-examination. The demand notice was claimed to be sent through Speed/Registered post, proof of which were exhibited as Ex.WW1/3 to Ex.WW1/5. Moreover, the management's first letter came to be issued on 22.01.2015, i.e., after the workman had already raised a dispute. The management has also not denied the fact that the workman was not paid salary from 01.01.2015 to 17.01.2015. Pertinently, the Labour Inspector has categorically stated that neither the management sent any representative to the Conciliation Proceedings, nor was the workman reinstated or paid back wages.

9. From the chronology of events, this Court finds strength in the claim of the workman on the aspect of not being permitted to join duty. The learned Labour Court, after considering the facts and circumstances of the case, including the workman's last drawn salary and the length of service, deemed it fit to grant lumpsum compensation of Rs.1 lac.

10. For all of the aforementioned reasons, I find no illegality or perversity in the impugned order. The petition has no merit and is accordingly dismissed alongwith the pending applications.

11. No costs.

MANOJ KUMAR OHRI, J

MAY 29, 2025/*ssc*