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

+ LPA 585/2022

RAM BHOOL

.....Appellant

Through: Mr. Kabir S. Ghosh, Advocate

versus

DELHI TRANSPORT CORPORATION

.....Respondent

Through: Ms. Manisha Tyagi, Advocate for
DTC.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

ORDER

21.08.2025

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1. The present petition challenges the Order dated 04.07.2019 passed in Writ Petition (C) No. 7408/2007 by which the Learned Single Judge has disposed of the said Writ Petition directing the Respondent to pay compensation for a sum of Rs.75,000/-.
2. Shorn of unnecessary details, the facts reveal that the Appellant was appointed on 25.06.1982 as Assistant Fitter with the Respondent/Delhi Transport Corporation (DTC).
3. On 05.02.1993, the Appellant was served with a chargesheet by the Respondent alleging absence from duty without prior permission from 27.10.1992 to 20.11.1992 and again from January, 1992 to 25.10.1992 and he neither sought any prior permission nor submitted any permission for 22 days (leave without pay) out of 121 days for which an enquiry was conducted by the Respondent.



4. In the enquiry it was found that the Appellant was guilty as charged that he was absent for 22 days without any application, information or sanction.
5. A show cause notice was then served on the Appellant as to why the Appellant shall not be removed from the services. Since a dispute has arisen between the Appellant and the Respondent, an industrial dispute was raised before the Labour Court bearing I.D. No. 678/06/96. The Labour Court *vide* Order dated 22.08.2003, set aside the order of removal of the Appellant from the service and ordered for reinstatement of the Appellant with 40% of backwages.
6. The Respondent challenged the said Order by filing W.P. (C) No. 6170/2004 before this Hon'ble Court. The said Writ Petition was allowed *vide* Order dated 08.12.2004, remanding the matter back to the Learned Labour Court for adjudication on the issue of leave availed by the Appellant and for justification as to whether the management was justified in imposing the punishment of removal from service of the Appellant based on the charges mentioned in the charge sheet.
7. On remand, the Labour Court *vide* Order dated 08.12.2006, held that the punishment was not grossly disproportionate to the misconduct of the Appellant on the ground that the enquiry was fair and proper and the charges stood proved and the proposed punishment was correct. The same was challenged by the Appellant in W.P. (C) No. 7408/2007 from which the instant LPA No. 585/2022 arises.
8. *Vide* Order dated 04.07.2019 the learned Single Judge in W.P. (C) No. 7408/2007 set aside the finding of the Tribunal that the punishment is not grossly disproportionate and has held that the order of removal from service cannot be sustained. However, since the Appellant has attained the age of



superannuation, he was thus, not entitled to the relief of reinstatement. However, the Learned Single Judge held that the compensation of sum of Rs.75,000/- to be paid to the Appellant herein.

9. Against the Order dated 04.07.2019, wherein the Learned Single Judge passed the order of compensation of sum of Rs.75,000/- the instant Appeal has been filed by the Appellant stating that the compensation of Rs.75,000/- is grossly disproportionate to the loss suffered by the Appellant.

10. On 18.01.2024, agreeing with the submission of the learned Counsel for the Appellant, who was of the opinion that a sum of Rs.1,50,000/- as opposed to a sum of Rs.75,000/- would be a reasonable compensation for the Appellant. This Court on 18.01.2024, passed the following order:-

“1. The present appeal under Clause X of the Letters Patent Appeal seeks to assail the order dated 04.07.2019 passed by the learned Single Judge in W.P.(C) 7408/2007 to the extent it does not grant notional reinstatement to the appellant with consequential benefits.

2. Learned counsel for the appellant submits that despite the learned Single Judge having arrived at a categorical conclusion that the penalty of termination from service imposed on the appellant for his 22 days' unauthorised absence from service was grossly disproportionate, has awarded a mere sum of Rs 75,000/- as compensation to him. He further submits that in the light of these findings, even if the appellant had already reached the age of superannuation during the pendency of the prolonged litigation, the direction under the impugned order to pay him a meagre sum of Rs.75,000/- was in fact equally disproportionate.

3. He fairly submits that though the appellant has already received the awarded sum of Rs.75,000/-, the same was accepted under compelling circumstances as due to his illegal termination the appellant was without



any source of income since his termination in the year 1995.

4. Learned counsel for the respondent, however, submits that as recorded in this Court's order dated 11.08.2023, the respondent was and is still willing to pay the appellant a sum of Rs. 1,50,000/- instead of the sum of Rs.75,000/- as directed under the impugned order. She contends that once the appellant has been found guilty of misconduct not only by the learned Labour Court but also by the learned Single Judge, no interference with the impugned order is warranted.

5. Having considered the submissions of the learned counsel for the parties, we are of the prima facie view that the impugned order insofar as it grants only a sum of Rs.75,000/- as compensation to the appellant, is wholly unsustainable. We may note that the appellant had rendered thirteen years of blemishless service before he was terminated from service on 08.06.1995, he had immediately raised an industrial dispute and had initially succeeded before the learned Labour Court with an award directing his reinstatement with 40% backwages being passed on 22.08.2003. Upon a writ petition being filed by the respondent, this award was set aside and the matter was remanded back to the learned Labour Court for fresh adjudication. This time, the learned Labour Court vide its award dated 08.12.2006 upheld the appellant's termination, compelling him to approach this Court by way of a writ petition in 2007, which came to be decided vide the impugned order after 12 years, during which period the appellant has reached the age of superannuation. Even though the learned Single Judge held that the imposition of the penalty of termination from service imposed on the appellant was grossly disproportionate, no relief of reinstatement could be granted to him as he had superannuated by then.

6. In the light of these facts, we are of the view that the



appellant cannot be deprived of adequate compensation and be penalised for his having reached the age of superannuation during the prolonged litigation. Furthermore, taking into account the time period which has elapsed since the passing of the termination order, this is a fit case where the penalty imposed on the appellant ought to be suitably modified by this Court itself.

7. At this stage, learned counsel for the respondent prays for time to obtain instructions enhancement of the compensation payable to the appellant.

8. List on 01.02.2024.”

11. Admittedly, the Appellant was drawing a salary of Rs.2,205/- as on the date of his termination. He has lost about 8 years of service since then. The total emoluments which could have been received by the Appellant had he been reinstated in the service with 40% back wages would approximately amount to Rs.1,50,000/- and, therefore, the suggestion given by this Court on 18.01.2024, is reasonable and the compensation, therefore, stands increased from Rs.75,000/- to 1,50,000/-.

12. The Appeal is disposed of in the aforesaid terms along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

VIMAL KUMAR YADAV, J

AUGUST 21, 2025

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