



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

% Date of Decision: 03.07.2025

+ **W.P.(C) 13932/2024, CM APPLs 58292/2024, 8184/2025**

M/S COPS SECURITY AND ALLIED SERVICES.....Petitioner

Through: Mr. Faiz Imam, Mr. Sandeep Kaushik  
and Mr. Aditya Pandey, Advocates.

versus

VINAY KUMAR RAI AND ANOTHER .....Respondents

Through: Mr. Siddharth Jha, Proxy Counsel for  
respondent No.1, Ms. Nazia Parveen,  
Advocate for respondent no.2.

**CORAM:**

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

**JUDGMENT (ORAL)**

1. By way of the present petition, the petitioner seeks setting aside of the award dated 14.06.2024 (hereinafter, '*impugned award*') passed by the Presiding Officer, Labour Court-II, Rouse Avenue District Court, New Delhi in ID No. 200/2019, whereby the petitioner/management was directed to pay a lump sum compensation of Rs.5,00,000/- to the workman/respondent No.1, in lieu of his illegal termination.

2. Briefly stated, facts of the present case are that the respondent No.1/workman has claimed that he was appointed by the petitioner/management and worked at the premises of respondent No.2 as an armed/security guard, and his last drawn salary was Rs. 21,700/- per month. It is the claim of respondent No.1 that he was subsequently terminated from services on 16.11.2016 on him demanding issuance of his ESI Card from the



management. It is in this context that the workman filed a complaint through the union, and the matter was referred to conciliation. However, the said conciliation proceedings failed and the dispute remained unresolved, leading to the initiation of proceedings before the Labour Court, wherein the workman claimed reinstatement with full back wages.

3. Learned Counsel for the petitioner challenges the impugned award primarily on the ground that the management had entered into a settlement with respondent No.1 vide Settlement Deed dated 16.11.2016, in pursuance of which, the full and final amount of Rs.21,700/- was paid to respondent No.1. It is further stated that the services of respondent No.1 were never terminated, rather he himself abandoned after receiving the aforesaid sum. It is also vehemently argued that the settlement was entered into between the parties prior to institution of proceedings before the Labour Court and that the workman deliberately concealed the said factum.

4. A perusal of the record shows that even though the management had claimed that the workman had voluntarily left his services when asked for replacement due to complaints, however, no evidence was led to that effect. Notably, as recorded in the impugned award, the management stopped appearing before the Labour Court after framing of issues. Despite ample opportunities been given, the management failed to lead evidence as well as conduct cross-examination of the workman. Moreover, the in its reply dated 21.10.2019 filed before Labour Court, though the management had claimed that the workman was guilty of suppression of material particulars, however, admittedly, no cross-examination of the workman was carried out to that effect. When confronted with this factum by this Court, learned counsel for the petitioner submitted that although the petitioner entered into a settlement



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with the workman, however, he admitted that the management did not adduce any evidence before the Labour Court to prove the same, as recorded in the order dated 03.10.2024.

5. On the contrary, to the aforesaid stand of settlement taken by the management in its reply, the workman had denied the same in its rejoinder filed before the Labour Court, denying all the averments. The testimony of the workman remained consistent and uncontroverted.

6. In these facts, this Court concurs with the finding arrived at by the Labour Court that the management had failed to establish or prove the factum of any settlement.

7. In view of the aforementioned facts and circumstances, I find no ground to interfere with the impugned. Consequently, finding no merit in the present petition, the same is dismissed alongwith the pending applications.

**MANOJ KUMAR OHRI**  
**(JUDGE)**

**JULY 3, 2025/rd**