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

+ **LPA 603/2025 & CM APPL. 61319-21/2025**

**M/S WALSONS SERVICES PRIVATE LIMITED.....Appellant**

Through: Mr. Anil Bhat, Mr. Krishna Kumar  
Pandey, Mr. Vivek P Gupta and Mr.  
Ashish Kumar Ojha, Advocates

versus

**MR. PARAS NATH YADAV**

.....Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**HON'BLE MR. JUSTICE VIMAL KUMAR YADAV**

**ORDER**

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**26.09.2025**

1. The instant appeal is directed against the order dated 06.05.2025 passed in W.P.(C) 3481/2025. The learned Single Judge *vide* the Impugned Order upheld the award dated 11.12.2023.
2. Shorn of unnecessary details, the facts of the case reveal that the Respondent/Workman was employed with the Appellant as a security guard w.e.f. 17.11.2006.
3. It is the case of the Appellant that during a surprise inspection the Respondent/Workman was found sleeping on duty at M/s. Vishal Mega Mart, Uttam Nagar, which is the client of the Appellant. Since the client did not want the security guard to continue at the said premise, the Appellant decided to move the Respondent to another place. It is the case of the



Appellant that the Respondent/Workman was never terminated from service, albeit only transferred *vide* the Movement Order dated 12.08.2014 from M/s. Vishal Mega Mart to M/s. Om Logistics Pvt. Ltd., Mundka, New Delhi. It is stated that the said Movement Order dated 12.08.2014 was duly acknowledged. It is the case of the Appellant that the Respondent/Workman did not join for the duty stating that the he had been terminated from service and approached the Industrial Labour Court.

4. Reference for conciliation was made on the following questions and were referred for adjudication

*(1) Whether there exists employer employee relationship between workman/claimant and the M/s Vishal Megamart showroom? OPW*

*2) Whether the claimant/workman was transferred from the management to Ms Om Logistics (P) Ltd., Mundka, New Delhi by the management no. 1 as referred in the statement of claim) i.e. M/s Walson Security Services (P) Ltd. and despite accepting the movement order the workman did not join the duty at the assigned place and thereby himself abandoned the job, if so, its effect? OPM*

*(3) Whether the services of the workman were terminated by the management illegally and unjustifiably as alleged by the workman? OPW*

*(4) Whether the workman is entitled to the relief claimed in the statement of claim? OPW*

*(5) Relief.*

5. Four primary issues were framed.

6. Issue no. 3 dealt with the question of whether the services of the Workman were terminated illegally and the unjustifiably as alleged by the



Workman and the Issue no. 4 was whether the Workman was entitled to relief.

7. After considering the material on record, the Industrial Tribunal came to the conclusion that the termination was unjustified for the reason that no notice was sent to the Workman neither any kind of inquiry was conducted against the Workman. Consequently, the Tribunal ordered reinstatement of the Workman and also awarded 50% back wages. The said Order was challenged by the Appellant herein before the learned Single Judge. The learned Single Judge after going through the material on record upheld the order of the Tribunal. Learned counsel appearing for the Appellant strenuously contends that when the Workman was found sleeping and the client of the Appellant, M/s. Vishal Mega Mart, did not want the service of the Workman, the Appellant had no other choice but to transfer him to another place, M/s. Om Logistics Pvt. Ltd., Mundka. After acknowledging the receipt of the Movement Order, the Workman did not join duty and therefore there was no question of any termination. There is nothing on record to suggest or indicate that when Workman did not report for duty any kind of communication or letter had been sent by the Appellant to the Workman informing him to report for duty. In any event, there has been no inquiry by the management. The Tribunal, on the facts of the case, came to a conclusion that the Workman was terminated, which is not sustainable. The same has been upheld by the learned Single Judge.

8. This Court is not inclined to interfere with the concerned finding of facts by the Industrial Tribunal and by the learned Single Judge. On the issue of back wages of 50% the learned Single Judge has placed reliance on the judgment of **Rajasthan SRTC v. Phool Chand**, (2018) 18 SCC 299,



*Deepali Gundu Surwase v. Kranti Junior Adhyapak Mahavidyalaya*, (2013) 10 SCC 324, and *U.P. State Brassware Corpn. Ltd. v. Uday Narain Pandey*, (2006) 1 SCC 479, which are on the point that instead of granting full wages, the Tribunal in the interest of justice can order of 50% wages. The issue is not being agitated by the Respondent.

9. The appeal is dismissed along with pending application(s), if any.

**SUBRAMONIUM PRASAD, J**

**VIMAL KUMAR YADAV, J**

**SEPTEMBER 26, 2025/ms**