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

% ***Date of decision: 14.11.2025***

+ W.P.(C) 10514/2018 & CM APPLs. 71177/2025, 71348/2025

SUKHVINDER SINGH RATHI SECURITY AGENCY.....Petitioner

Through: Mr. Ram Naresh Yadav, Advocate.

versus

SMT. SUNITA SHARMA AND ANR.

.....Respondents

Through: Mr. Jitesh Pandey, Mr. Aniket Singh,
Mr. Chandan Singh Bisht and Mr.
Naman Arora, Advocates.
Mr. Dhruv Kumar, Advocate for
GNCTD.

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

JUDGMENT (ORAL)

CHANDRASEKHARAN SUDHA, J.

1. The present writ petition under Articles 226 and 227 of the Constitution of India assails the Award dated 04.08.2017 passed by the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court No. 1, Karkardooma Courts, Delhi (the Tribunal) in D.I.D. No. 01/2017, whereby the Tribunal proceeded *ex-parte* and directed the reinstatement of the claimant/respondent



no. 1 with full back wages.

2. Brief facts leading to the present case are —the claimant/respondent no. 1, engaged as a Security Guard through the petitioner, alleged before the Tribunal that her services were illegally terminated without compliance of Section 25-F of the Industrial Disputes Act, 1947.

2.1 The petitioner contends that the claimant/respondent No.1 was transferred from the G.B. Pant Hospital to ICMR, AIIMS *vide* order dated 31.12.2015. But she did not report to the new place of posting from 01.01.2016, instead remained absent.

3. The trial court, relying upon the evidence tendered by the claimant/respondent no. 1, held that the termination of the claimant/respondent no. 1 is wrong and illegal. In view of this, it was held that the claimant/respondent no. 1 was entitled to be reinstated with full back wages and her termination was held to be illegal and unjust under law.

4. It is submitted by the learned counsel for the petitioner that



the impugned award was passed *ex-parte*. He further submits that the petitioner never received any summons from the Tribunal, and hence, was unable to attend and present his case.

5. *Per contra*, it is submitted by the learned counsel for the claimant/respondent no. 1 and respondent no. 2 that the materials on record will show that the summons was in fact served on the petitioner and therefore the submission that the petitioner did not receive notice of the proceedings is wrong and that there is no infirmity in the impugned order calling for an interference by this Court.

6. Heard both sides.

7. On going through the impugned order, I find that the Tribunal has recorded that a summons has been served on the petitioner herein. However, on going through the trial court records, I find that, the first notice issued was returned with the remark “no such person residing at the said address”. Although a fresh address was thereafter provided by the claimant/respondent



no. 1., there is no acknowledgment, service report or postal record on file to demonstrate that the subsequent notice was actually served on the petitioner. In the absence of any material evidencing proper service, the finding of due service recorded by the Tribunal cannot be sustained.

8. The writ petition is accordingly allowed, subject to the petitioner paying a sum of Rs. 6,000/- to the claimant/respondent no. 1 within a period of three weeks from the date of receipt of this order. Application(s) pending, if any, shall stand closed.

**CHANDRASEKHARAN SUDHA
(JUDGE)**

NOVEMBER 14, 2025/rs