



\$~1

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

+ **W.P.(C) 275/2019**

K. ANNADURAI

.....Petitioner

Through: Ms. Tanya Rose, Ms. Kritika and
Ms.Bhumica, Advocates

versus

M/S DAILY THANTHI

.....Respondent

Through: Mr. Vikas Mehta, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

14.05.2026

%

1. The present petition is directed against the Award dated 07.06.2018 passed by the learned Labour Court, Dwarka Courts, New Delhi in LIR No. 474/2018.

2. Vide the aforesaid impugned award, the claim application filed by the workman was dismissed.

3. The facts in nutshell are that the following reference was forwarded by GNCTD:-

“Whether Sh. K. Annadurai S/o Sh. R. Kandaswamy Age 46 years tendered his resignation and received his dues in full and final settlement or his services 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 filed a Statement of Claim contending that he had joined the management as an Office Attender on 09.08.1990 and had worked regularly and diligently till 01.12.2014, when his services were allegedly terminated by the management vide letter dated 01.11.2014. It was claimed



that the said termination was in violation of Sections 25F, 25G and 25H of the Industrial Disputes Act, 1947, and was also violative of Articles 14 and 21 of the Constitution of India. It was further asserted that he had never resigned from service and that his signatures were forcibly obtained on the resignation letter dated 10.11.2014. According to the workman, the alleged resignation was never accepted by the management. It was also claimed that despite repeated representations, the management failed to reinstate him in service.

5. The management entered appearance and contested the claim petition by filing its Written Statement. It was contended that the services of the workman were never terminated and that the workman had voluntarily tendered his resignation vide letter dated 10.11.2014 with effect from 01.12.2014, citing family circumstances. It was specifically denied that any force, fraud or coercion had been exercised upon him. The management further relied upon subsequent conduct of the workman, including receipt of terminal benefits and submission of Form-I for settlement of gratuity. It was stated that the resignation was duly accepted and a sum of Rs.10,01,359.80/- was paid towards full and final settlement. Upon appreciation of the evidence led by the parties, the learned Tribunal concluded that the workman had voluntarily resigned from service and accordingly answered the reference against the workman.

6. Before this Court, learned counsel for the petitioner, assailing the impugned Award, contended that the learned Labour Court failed to appreciate that the letter dated 01.11.2014 issued by the management, in substance, amounted to termination of the petitioner's services. It was further contended that the learned Tribunal erred in concluding that the



petitioner had voluntarily resigned, despite the petitioner specifically pleading in the Statement of Claim and deposing in evidence that the resignation letter had been obtained under coercion. Learned counsel further submitted that there was no valid acceptance of resignation by the management. In support of the said submissions, reliance was placed upon Rattan Singh v. Indian Overseas Bank & Ors¹, and Srikantha S.M. v. Bharath Earth Movers Ltd.². On the issue of receipt of the amount of Rs.10,01,359.80/-, learned counsel submitted that mere acceptance of the said amount would not amount to waiver of the petitioner's statutory or constitutional rights. Reliance in this regard was placed upon Nar Singh Pal v. Union of India & Ors.³,

7. Per contra, learned Senior Counsel appearing for the respondent sought dismissal of the petition. It was contended that the petitioner had been taking inconsistent stands and had not approached the Court with clean hands. It was submitted that the letter dated 01.11.2014 was not a termination letter, but merely indicated a proposed discontinuation on account of the proposed sale of the management's guest house. According to the respondent, the petitioner voluntarily tendered his resignation and thereafter accepted all terminal benefits, including gratuity, without any protest. It was further submitted that the alleged letter dated 29.11.2014 relied upon by the petitioner was never received by the management. Learned Senior Counsel also contended that even otherwise, the said letter did not contain any allegation of coercion or forcible resignation and therefore could not support the petitioner's case.

¹ Rattan Singh v. Indian Overseas Bank, 2014 SCC OnLine J&K 19

² (2005) 8 SCC 314



8. Having heard learned counsels for the parties, this Court notes that the resignation letter dated 10.11.2014 was never disputed by the workman till issuance of the demand notice dated 22.03.2017. It is also not disputed that on 24.04.2015, the workman received a sum of Rs.10,01,359.80/- towards full and final settlement of his dues. The record further reflects that the workman had also applied for release of gratuity by submitting Form-I under the Payment of Gratuity Act. The details of which are reproduced herein below:-

That amount included ex-gratia sum of Rs. 2,68,831/- which was paid to him in consideration of his more than 24 years service. The detail of the payment is as under :

Last Drawn Salary @ Rs. 31,064.90p per month.

Gratuity (for 24 years) : Rs. 4,30,129/-

Ex-gratia for special case : Rs. 2,68,831/-

61 salary for 63 days : Rs. 65,236/-

Total salary drawn from 1.4.2014 to 30.11.2014

Rs. 2,14,347.80 p @ 25% Bonus Rs. 5,600/-

Ex-gratia Rs. 12,400/-

Wage Board Arrears

(11.11.2011 to 31.3.2014) Rs. 2,19,163.50p

Total Rs. 6,79,799.10P

Less : Staff IT Rs. 40,691/-

Advance Ins. Rs. 8,441/-

Net Amount Payable Rs. 9,52,227.80p

³ Civil Appeal No. 2280/2000.



9. Further, the learned Labour Court has rightly observed that despite alleging coercion, the workman neither lodged any complaint with any authority nor took any contemporaneous steps challenging the alleged resignation. Even the letter dated 29.11.2014 relied upon by the workman does not contain any allegation that the resignation had been obtained forcibly or under coercion. The subsequent acceptance of terminal benefits and gratuity without protest also militates against the stand now sought to be urged by the petitioner.

10. At this stage, gainful reference can be made to the decision of the Supreme Court in Gyanendra Sahay v. Tata Iron & Steel Co. Ltd⁴, where in the similar facts, the Supreme Court rejected the workman's claim in view of his resignation and acceptance of retiral benefits. The relevant observations are as under:-

"14. We have also perused the memo of appeal and other representation made by the appellant. The appellant has made a vague allegation that he was forced to take retirement. Neither he has made it specific nor had given the name of any officer who compelled him to write the letter dated 1-4-1995 or exercised undue and excessive pressure to sign the letter of premature/voluntary retirement. Though the Labour Court has come to the conclusion that the appellant was compelled to submit the letter of resignation, the same is not supported by any acceptable evidence. It is settled law that suspicion and doubt cannot take the place of evidence. No finding of fact can be given on mere doubt and suspicion or on the basis of baseless allegations. The appellant having written a letter of voluntary retirement and after having accepted the retiral benefits without any protest cannot now turn round and say that he was compelled to submit his premature/voluntary retirement. The appeal has absolutely no merits and we, therefore, have no hesitation to dismiss the same and to affirm the order passed by the learned Judges of the Division Bench of the High Court. No order as to costs."

⁴ (2006) 5 SCC 759



11. In the present case also, the workman has not made any protest of any forceful taking of resignation for a period of about three years till the filing of the claim application, though in the claim application, he refers to multiple representations. However, during the course of proceedings, it was conceded that no such representation was placed on record before the trial court.

12. The decisions cited by the workman do not support the facts and are distinguishable.

13. Accordingly, this Court finds no ground to interfere with the impugned award, the same is upheld and the present petition is dismissed alongwith the pending application, if any.

MANOJ KUMAR OHRI, J

MAY 14, 2026
na