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

% *Date of Decision: 04.05.2026*

+ **LPA 332/2026 & CM APPL. 29612-13/2026**

M/S EAGLE HUNTER SOLUTION LIMITED THROUGH SHRI B
B PANDEY MANAGER LEGAL COMPLAISANCEAppellant

Through: Mr. Ram Prakash Sharma, Adv.

versus

ASHOK KUMAR TIWARI

.....Respondent

Through:

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

TEJAS KARIA, J. (Oral)

1. The present Letters Patent Appeal is directed against the judgment dated 27.03.2026 (“**Impugned Judgment**”) passed by the learned Single Judge in W.P.(C) 12244/2019 (“**Writ Petition**”) filed by the Appellant against the award dated 11.10.2018 (“**Award**”) passed by the learned Labour Court in a claim application filed by the Respondent.

2. By way of the Impugned Judgment, the Writ Petition challenging the Award, whereby the Respondent had been granted reinstatement with full back wages, continuity of service and all consequential benefits, was disposed of by modifying the relief to direct the Appellant to pay to the Respondent a lump sum compensation of ₹8,00,000/- within six weeks, failing which the said amount would carry interest at the rate of 12% per



annum until payment, while affirming the findings returned by the learned Labour Court.

3. The Appellant has assailed the Impugned Judgment on the ground that the learned Single Judge failed to appreciate that the Respondent did not report for duty in terms of the directions issued by the Appellant and had, in fact, abandoned his employment. It is contended that, after a lapse of more than six months, the Respondent raised an industrial dispute before the Labour Department, Government of NCT of Delhi, and despite being offered employment in the presence of the Labour Officer, failed to rejoin duty. The Appellant further submits that, in the demand notice, statement of claim and rejoinder filed before the learned Labour Court, the Respondent did not deny receipt of the deployment order and the direction to report for duty and yet failed to join the duty as directed by the Appellant.

4. Learned counsel for the Appellant submitted that the learned Single Judge failed to take note of the Respondent's incorrect stand that the deployment order was backdated and that, for this reason, he was unable to rejoin the Appellant's service.

5. Learned counsel for the Appellant further submitted that the learned Single Judge erred in accepting the Respondent's explanation, furnished at the stage of evidence through his affidavit, for not joining duty pursuant to the deployment order, though such explanation did not form part of the pleadings filed by the Respondent.

6. We have heard learned counsel for the Appellant.

7. The learned Single Judge has in the Impugned Judgment recorded that the principal ground urged in challenge to the Award was that the Respondent had failed to comply with the deployment order, whereby he



had been directed to report for duty at another site as the earlier site was closed. The Impugned Judgment further notes that the Award records the Appellant's failure to produce any evidence to substantiate the closure of the office/site at which the Respondent had initially been discharging his duties. It was also noticed that the deployment order was disputed by the Respondent as having been antedated and delivered to him only after the institution of the proceedings before the learned Labour Court.

8. The learned Single Judge further observed that, although the Appellant had contended that the deployment order was filed by the Respondent himself, the record revealed that the same had in fact been placed on record by the Appellant along with the rejoinder. It was also observed that no evidence had been adduced by the Appellant in support of the said deployment order, nor was any suggestion put to the Respondent in cross-examination in that regard.

9. The Impugned Judgment also records that, during the conciliation proceedings, the Appellant had offered the Respondent an opportunity to join duty at an alternate place, whereas the Respondent asserted that he was not permitted to join when he reported there. The Award records a finding that the Respondent had never been transferred to an alternate site and that his services had been terminated illegally. The learned Single Judge observed that, having regard to the limited scope of interference under writ jurisdiction with an Award holding the termination of the Respondent's services to be illegal, no ground was made out to interfere with the findings returned therein.

10. Although the Award directed reinstatement of the Respondent with full back wages, continuity of service and all consequential benefits, the



learned Single Judge, in the Impugned Judgment, modified the relief after taking into account: (i) that the Respondent was approximately 57 years of age; (ii) that he had been in employment since 02.07.2001 and was drawing a last salary of ₹6,576/- per month; and (iii) that by order dated 10.03.2021 passed in the Writ Petition, a statement on behalf of the Appellant had been recorded to the effect that the Respondent would be taken back in service, which, however, did not materialise as the Respondent had not joined duty with the Appellant till the date of the Impugned Judgment.

11. In these circumstances, compensation of ₹8,00,000/- in lieu of reinstatement with full back wages, continuity of service and all consequential benefits was awarded while otherwise affirming the findings of the learned Labour Court.

12. Having considered the facts and circumstances of the case and the material placed on record, we are of the view that the learned Single Judge, upon due consideration of the findings recorded in the Award, rightly declined to interfere with the same on merits, while modifying the relief to the extent of awarding a lump sum amount to the Respondent in lieu of reinstatement with full back wages and other consequential benefits.

13. In view of the fact that the Respondent's services were terminated on 16.03.2013, which termination was found to be illegal by the learned Labour Court, and further that the Appellant has not complied with the Award dated 11.10.2018 to date, the modified relief of lump sum compensation of ₹8,00,000/- in favour of the Respondent, having regard also to his age, was fully justified.

14. We find no infirmity in the Impugned Judgment, either in respect of the findings returned therein or the ultimate relief granted, having regard to



the peculiar facts and circumstances of the case and the various factors noticed above. Given the efflux of time, the relief of reinstatement had become impracticable and, therefore, the learned Single Judge was justified in awarding a lump sum amount to the Respondent in lieu thereof, once the Award was found to be valid and not warranting interference in the Writ Petition after a detailed consideration of the facts and the applicable law.

15. The Appellant has failed to make out any case for interference with the Impugned Judgment, as the learned Single Judge rightly declined to exercise writ jurisdiction to set aside the Award and, at the same time, appropriately modified the relief by granting a lump sum amount in lieu of reinstatement of the Respondent with full back wages and all consequential benefits.

16. In view of the above analysis, the present Appeal is dismissed. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

MAY 4, 2026

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