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

+ **W.P.(C) 7735/2019 & CM APPL. 32086/2019**

M/S. PYARE LAL AMARNATH JEWELLERSPetitioner

Through: Mr. Anuj Gupta and Ms. Saguna
Gupta and Mr. Umesh Gupta
Advocates

Versus

RAM UJAGIR

.....Respondent

Through: Mr. Shambhu Sharan Shukla,
Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

16.03.2026

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CM APPL. 32086/2019

At the outset, the present petition is taken up for final disposal. In view thereof, the pending application seeking interim relief does not survive for consideration and is disposed of as infructuous.

W.P.(C) 7735/2019

1. The present petition has been filed by the petitioner-management challenging the Award dated 07.02.2019 passed by the learned Presiding Officer, Labour Court-XVI, Dwarka Courts, New Delhi in LIR No. 1090/2017 titled "Ram Ujagir v. M/s Pyare Lal Amarnath Jewellers."

2. The case of the respondent-workman before the Labour Court was that he had been employed with the petitioner-management since 01.04.1978 as a Peon/Helper and was drawing last wages of Rs. 15,000/- per month. It



was alleged that the management failed to extend statutory benefits such as overtime wages, bonus, ESI, PF and other service benefits. The workman further alleged that upon demanding certain amounts allegedly deposited with the management, his services were abruptly terminated on 08.10.2016 without compliance with the provisions of the Industrial Disputes Act, 1947.

3. The petitioner-management denied the allegations and contended that the workman had himself stopped reporting for duty w.e.f. 07.10.2016 as he had taken an advance of Rs. 20,000/- and had failed to repay the same in full. The management thus set up a defence of abandonment of service and prayed for dismissal of the claim.

4. Upon completion of pleadings, the Labour Court framed issues on 11.01.2018. The Labour Court framed the following issues for consideration:

*“(1) Whether the services of the workman had been terminated illegally or unjustifiably by the management; and
(2) Relief.”*

5. The respondent-workman examined himself as WW-1 and one other witness as WW-2, whereas the petitioner-management chose not to lead any evidence. The Labour Court, upon appreciation of the material on record, returned a finding that the termination of the workman was illegal and in violation of Section 25F of the Industrial Disputes Act but instead of reinstatement, awarded a lump sum compensation of Rs.3,50,000/-.

6. Learned counsel for the petitioner has assailed the impugned Award primarily on the ground that the Labour Court failed to properly appreciate the evidence placed on record. It is contended that the Labour Court erred in disregarding the material indicating the workman's absence from duty and



in awarding compensation without sufficient basis.

7. A perusal of the record shows that despite having taken a specific defence of abandonment, the petitioner-management did not lead any evidence to substantiate the same. The Labour Court has also recorded that no material was placed on record to show that any steps were taken by the management to call upon the workman to resume duties, which is a relevant consideration while examining a plea of abandonment.

8. Further, the Labour Court has scrutinized the documents relied upon by the management and found that the same did not conclusively establish either the alleged advance or the plea of abandonment. The findings returned in this regard are based on appreciation of evidence and cannot be said to be perverse or unsupported by the record. In fact, the absence of any evidence on behalf of the management assumes significance and justifies the adverse inference drawn by the Labour Court.

9. When the matter was taken up at the initial stage, this Court *vide* order dated 19.07.2019 issued notice in the petition. While doing so, the petitioner-management undertook before the Court that it would deposit a sum of Rs 3,50,000/- with the Registrar General of this Court within six weeks.

10. It is well settled that the jurisdiction of this Court under Article 226 of the Constitution of India, while examining an award rendered by a Labour Court or Industrial Tribunal, is supervisory and not appellate in nature. The writ court does not sit in appeal over the findings returned by the adjudicatory forum constituted under the Industrial Disputes Act, 1947. Interference with an award is warranted only where the findings are shown to suffer from jurisdictional error, patent illegality, perversity, or are based



on no evidence whatsoever. In the absence of such infirmities, the writ court must exercise restraint and refrain from disturbing the conclusions arrived at by the Labour Court, which is the primary fact-finding authority under the statutory scheme. In this regard, reference may be made to the decisions of the Supreme Court in Syed Yakoob v. K.S. Radhakrishnan, AIR 1964 SC 477; Sadhu Ram v. Delhi Transport Corporation, (1983) 4 SCC 156; and Harjinder Singh v. Punjab State Warehousing Corporation, (2010) 3 SCC 192.

11. In view of the foregoing discussion, this Court finds no infirmity in the impugned Award warranting interference under Article 226 of the Constitution of India.

12. Let the amount deposited with the Registry pursuant to the orders passed by this Court be released to the respondent-workman along with the interest accrued thereupon.

13. The interim protection granted to the petitioner stands vacated.

14. The present petition is, accordingly, dismissed.

MANOJ KUMAR OHRI, J

MARCH 16, 2026/sn