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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 10887/2023, CM APPLs. 42145/2023, 7249/2025,
11512/2025

G I GROUP NETWORK SECURITY

TECHNOLOGY PVT LTD

.....Petitioner

Through: Ms. Sayantani Basak, Advocate

versus

SANDEEP KUMAR

.....Respondent

Through: Mr. Deepak Kumar Sinha, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

12.05.2026

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1. By way of present writ petition under Article 226/227 of the Constitution of India, the petitioner seeks to assail the award dated 04.07.2022 passed by the Labour Court-VII, Rouse Avenue Courts, New Delhi in Case LIR No.2722/2019, whereby the claim petition filed by the respondent came to be allowed and the petitioner-management was directed to reinstate the respondent-workman with continuity of service with full back-wages along with all consequential benefits.

2. The aforesaid award came to be passed in the context of a reference dated 28.08.2019 received from the Joint Labour Commissioner under Sections 10(1)(c) and 12(5) of the Industrial Disputes Act, 1947(hereinafter 'ID Act').

3. The workman had raised an industrial dispute challenging his termination. The following reference was received by the Labour Court:-

“...Whether the services of Sh. Sandeep Kumar S/o Sh. Kaladhar



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 its Statement of Claim, wherein it was claimed that he was working with the management since 03.10.2015 and his last drawn wages were Rs.12,000/- per month. It was further claimed that the management did not provide any legal facilities i.e. ESI, pay slip, attendance card, bonus, overtime minimum wages, etc and when he raised the demand for the same, the management terminated his services on 14.08.2018 without issuing any notice or charge-sheet and without conducting any domestic enquiry. It was further claimed that the legal demand notice dated 17.08.2018 was sent to the management through the labour union, however, neither was the workman reinstated nor any reply thereto received. It was further claimed that he could not secure any alternative employment since the date of his termination.

5. The Labour Court issued notice to the management. As per the proceedings before the Labour Court, the said notice was duly served upon the management on 25.10.2021, however despite receipt of the same, neither any written statement was filed nor did anybody appear on behalf of the management despite the grant of several opportunities.

6. The workman had examined himself as WW-1 and in his affidavit of evidence reiterated his averments made in the Statement of Claim. He further placed on record the following documents:-

“(i) Ex.WW-1/1 - ID Card of the Workman for the year 2015-2016.

(ii) Ex.WW-1/2 - ID Card of the Workman for the year 2018-



2019.

(iii) *Ex.WW-1/3 - Statement of Claim filed before the Conciliation Officer.*

(iv) *Ex.WW-1/4 - Demand Notice dated 17.08.2018.*

(v) *Ex.WW-1/5 - Postal Receipt vide which the aforesaid Demand was sent to Management.*

(vi) *Ex.WW-1/6 - Report dated 08.10.2018 of Labour Inspector.*

(vii) *Mark WW-1/Z-1 - Copy of EPF Statement...*”

7. The Labour Court, in absence of any contest from the management, returned the findings that the workman was able to prove the employee-employer relationship as well as the illegal termination of his services without giving any notice, notice pay or retrenchment compensation in accordance with Section 25-F of the ID Act. In the aforesaid backdrop, the learned Labour Court had passed the impugned award.

8. In the present petition, the management, in paragraph 10 of the petition, had explicitly accepted the factum of receipt of notice by one of its employees, namely, Ms. *Papri Devi*, who was stated to be working as member of the HR team of the management. It is, however, claimed that around that time Ms. *Papri Devi* got married and thereafter left the employment of the management, and further failed to hand over the summons to the management.

9. While the learned counsel appearing for the management has challenged the impugned award by contending that, the summons were never received by the management, the learned counsel appearing for the workman has opposed the petition by drawing the attention of the Court to the conduct of the management.

10. A perusal of the entire record would show that, though the



management had admittedly appeared in the conciliation proceedings, it failed to appear before the learned Labour Court. The stand taken by the management is that the summons received by Ms. *Papri Devi* were never received by the management as she had subsequently left its services. However, neither any specific dates have been disclosed nor has any employment record of Ms. *Papri Devi* been placed on record in support of the said plea.

11. Furthermore, upon registration of the present petition, this Court vide order dated 17.08.2023 had stayed the operation of the impugned award, subject to deposit of 50% of the awarded amount by the management with the learned Registrar General of this Court. Since the management failed to comply with the said order, this Court, while taking note of the abysmal conduct of the petitioner-management, vide order dated 23.04.2025 directed the management to deposit 100% of the awarded amount. In addition thereto, costs of Rs. 25,000/- towards litigation expenses were also directed to be paid to the workman. As the management continued to remain in non-compliance of the aforesaid directions, this Court, vide order dated 17.09.2025, vacated the interim orders.

12. It has been informed that the workman has initiated execution proceedings pursuant to the impugned award.

13. At this stage, this Court further takes note of the limited scope of writ jurisdiction in exercise of powers conferred under Article 226 of the Constitution of India. It is well settled that the challenge is not in the nature of appeal, but to seek if the order is passed without jurisdiction, is perverse or did not follow principle of natural justice [Ref: *Syed Yakoob v. K.S.*



Radhakrishnan¹]. The same principle was reiterated by the Supreme Court in International Airport Authority of India v. International Air Cargo Workers Union². This Court has also considered the scope of its writ jurisdiction in Ritz Theatre Private Limited v. Ramesh Chandra³.

14. This Court finds the explanation furnished by the petitioner for its non-appearance before the Labour Court to be wholly unsatisfactory. Further, as noted hereinabove, the petitioner has failed to place on record any supporting document substantiating its plea for the relevant period.

15. In view of the foregoing discussion, this Court finds no merit in the present petition and the same is accordingly dismissed along with pending applications.

MANOJ KUMAR OHRI, J

MAY 12, 2026/rd

¹ 1963 SCC OnLine SC 24

² (2009) 13 SCC 374

³ 2024 SCC OnLine Del 3633