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

+ **W.P.(C) 10377/2019**

SHRI BHAGWAN SINGH

.....Petitioner

Through: Mr. Shashwat Singh Gaur, Advocate
(through VC)

versus

M/S ICMC CHEST (ICICI BANK) AND ANR.Respondent

Through: Dr. M.Y. Khan, Advocate for respondent
no. 1

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

16.03.2026

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1. The present writ petition is directed against the order dated 09.10.2015, passed by the learned Presiding Officer, Labour Court-XIX, Karkardooma Courts, in LIR No. 19/2024 titled as “Shri Bhagwan Singh vs. M/s ICMC CHEST (ICICI Bank) and Anr.”

2. Learned counsel for the petitioner submits that the Labour Court erred in dismissing the claim application despite the fact that the respondent, though served, failed to appear. The claimant's evidence has gone unrebutted.

3. A perusal of the impugned order would show that, in the claim application, the workman had stated that he was employed with Management Nos. 1 and 2 with effect from 18.12.2009 as a Security Gunman and was



drawing wages @ Rs. 9000/- per month. Despite working continuously, his services were terminated on 11.03.2013 when he demanded from the management the facility of an employee under the ESI Act. To establish the employer-employee relationship, the workman had placed on record two identity cards issued by Management No. 2.

4. Learned counsel for the petitioner submits that though summons were served upon both Management Nos. 1 and 2, they failed to appear and were eventually proceeded *ex parte*. He submits that the management had not provided him any other document, and had the management appeared before the Labour Court, it would have provided him an opportunity to summon documents or cross-examine the management's witnesses. He submits that the aforesaid has resulted in a failure of justice.

5. In the present proceedings, both Management Nos. 1 and 2 were served, but only Management No. 1 is represented.

6. Considering that the impugned award was passed in the absence of any stand of Management Nos. 1 or 2, it is deemed apposite, in the interest of justice, to remand the matter back to afford an opportunity to the management to place its stand as well as to lead evidence, if so desired.

7. For this purpose, let the matter be listed, at the first instance, on 02.04.2026 before the Labour Court for directions. The Labour Court shall be at liberty to freshly issue notice to the management before proceeding further.

MANOJ KUMAR OHRI, J

MARCH 16, 2026/sn