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

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Date of Decision : 14.05.2026

+ LPA 288/2015 CM APPL. 8670/2015 CM APPL. 24663/2015
LUFTHANSA GERMAN AIRLINES

.....Appellant

Through: Mr. Alok Bhasin and Mr. Kamal Kant Tyagi, Advs. and Ms. Sarika Gandhi, Legal Head of appellant.

versus

SUDHIN SARKAR & ANR

.....Respondents

Through: Dr. Sumant Bharadwaj, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

V. KAMESWAR RAO, J. (ORAL)

1. This appeal lays a challenge to the order of the learned Single Judge dated 17.11.2024 in W.P.(C) No. 3256/2013 and the award dated 31.12.2012 passed by the Central Government Industrial Tribunal, Delhi, whereby the Industrial Tribunal held that the termination of the respondents as illegal. It instead of directing reinstatement in service has granted an amount of Rs. 10,00,000/- each to the respondents, as compensation. The learned Single Judge *vide* order dated 17.11.2024, dismissed the writ petition filed by the appellant.



2. On 30.04.2026, it was put to Mr. Alok Bhasin, learned counsel for the appellant, as the respondent no. 1 has passed away and has been substituted by his legal representatives and the subject matter of the reference was with regard to a termination that was effected in the year 1999, whether the appellant would be ready and willing to comply with the award of the Industrial Tribunal.

3. On instructions, Mr. Bhasin submits that the appellant is ready and willing to comply with the award provided this Court keeps the question of law, which has arisen for consideration in the appeal, open, and also by holding that the award of the Industrial Tribunal and the judgment of this Court shall not be treated as a precedent.

4. This submission of Mr. Bhasin is agreeable to learned counsel for the respondents. He states that, he has no objection if the question of law in the appeal is kept open so that it does not have precedential value, inasmuch as whether the employees, who were/are employed as Supervisors with the salary of Rs. 25,000/- and Rs. 28,000/- can be said to be workmen within the meaning of Section 2(s) of the Industrial Disputes Act, 1957.

5. Learned counsel submits that insofar as the respondent no. 2 is concerned, he was given three cheques for Rs. 9,30,808/- dated 30.07.1999, Rs. 41,041/- dated 14.06.1999 and Rs. 28,123/- dated 17.05.1999 against PF, salary, untaken leave, vacation, travel allowance and night allowance, which were not encashed by respondent no. 2. He states that respondent no. 2 is ready and willing to give the cheques back to the appellant so that fresh cheques are issued for the same amounts. This is agreeable to Mr. Bhasin.



6. If that be so, the original of the cheques shall be given back to Mr. Bhasin within one week from today. On receipt of the same, the appellant shall issue fresh cheques for the corresponding amounts within two weeks thereafter.

7. Insofar as respondent no. 1 is concerned, the counsel submits, by drawing our attention to page no. 82 of the paper-book, that even the deceased respondent no. 1 was also given a cheque with no. 295745 dated 17.05.1999 for an amount of Rs. 25,301/- as notice pay but the said cheque was not accepted by him. He also states that the appellant had also represented to the deceased employee that they shall also pay the PF and Gratuity amount but the said amounts have not been paid to the deceased employee.

8. If that be so, the appellant shall check whether these payments have been made by referring to their records. If the amounts are payable, the same shall be paid to the legal representatives of the respondent no. 1 within six months as an outer limit. A communication in that regard shall also be sent to the LRs of respondent no. 1.

9. It is directed that the amount of Rs. 10,00,000/- shall be paid to the LRs of respondent no. 1 and to the respondent no. 2 with interest @ 9% p.a., computed from the date, payment was due and payable as per the award, till the payment is made.

10. We close the appeal, but by making it clear that the question of law, which has been framed by us above, is left open to be decided in an



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appropriate proceeding. The award of the Industrial Tribunal as well as the judgment of this Court shall not be treated as a precedent.

11. Pending applications are closed, no costs.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

MAY 14, 2026/sr