

* IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) No.7327/2010

Date of Decision: October 29, 2010

RADHEY SHYAM Petitioner
through Mr. Anuj Aggarwal, Advocate

versus

MCD Respondent
through Ms. Saroj Bidawat with Mr. Hari
Om Sharma, Advocate

CORAM:
HON'BLE MISS JUSTICE REKHA SHARMA

1. Whether the reporters of local papers may be allowed to see the judgment? No
2. To be referred to the reporter or not? No
3. Whether the judgment should be reported in the 'Digest'? No

REKHA SHARMA, J. (ORAL)

This writ-petition has been filed by the petitioner feeling aggrieved by the order of the Presiding Officer, Labour Court-VI, Karkardooma Courts, New Delhi dated August 17, 2006 granting him ₹ 15,000/- as compensation in lieu of his reinstatement despite holding that he had worked for more than 240 days and yet, his services were terminated without following the procedure laid down in Section 25F of the Industrial Disputes Act, 1947.

It is submitted by the learned counsel for the petitioner that the compensation of ₹ 15,000/- is far too less especially when the Labour

Court has found his termination to be illegal on account of non-compliance of Section 25F of the Industrial Disputes Act, 1947.

On the other hand, it is submitted by learned counsel for the respondent that the finding of the Labour Court that the petitioner had worked for 240 days continuously is contrary to the records. According to the counsel, he did work for 240 days but intermittently and, therefore, Section 25F of the Industrial Disputes Act, 1947 was not attracted. In any case, it is further submitted that the services of the petitioner were dispensed with by the respondent in the year 1997 and that, having regard to the fact that in the year 1997, the minimum wages were not much, ₹ 15,000/- awarded by the Labour Court is just and fair compensation.

Having heard learned counsels for the parties, I am of the view that it is not open to the respondent to contend that the petitioner had not worked for 240 days continuously. If the respondent was aggrieved by the finding of the Tribunal, it ought to have assailed the same which it chose not to do so. It is the petitioner who has come before this Court and it is he alone who can derive benefit if the order assailed is found to be illegal or unjust.

Keeping in view the fact that the petitioner had worked with the respondent and that too for a short period between April 15, 1996 to June 30, 1997 I feel that the order of the Labour Court granting compensation in lieu of reinstatement is not unreasonable, but I do feel that the compensation of ₹ 15,000/- is not adequate. Hence, I enhance the same from ₹ 15,000/- to ₹ 30,000/-. The respondent is directed to make the payment of ₹ 30,000/- to the petitioner within four weeks from now.

The writ petition is disposed of.

REKHA SHARMA, J.

OCTOBER 29, 2010
PC.