

(2019) 07 DEL CK 0361

In the Delhi High Court

Case No : Civil Writ Petition No. 10190 Of 2018

Gyanwati

APPELLANT

Vs

Pentamed Hospital

RESPONDENT

Date of Decision : 24-07-2019

Acts Referred:

Citation : (2019) 07 DEL CK 0361

Hon'ble Judges : J.R. Midha, J

Bench : Single Bench

Advocate : Puneet Kumar Agarwal, Sanjoy Ghose, Rhishabh Jetley

Final Decision : Allowed

Judgement

J.R. Midha, J

1. The petitioner has challenged the award of the Labour Court whereby compensation of Rs.65,000/- has been awarded to the petitioner in lieu of reinstatement and back wages. The petitioner is seeking enhancement of the compensation amount.
2. The petitioner joined the respondent as a Housekeeper on 04th September, 2008 and she was terminated from service on 01st March, 2012. The petitioner raised an industrial dispute which was referred to the Labour Court.
3. The Labour Court held the termination of the respondent to be illegal. However, the Labour Court declined the relief of reinstatement on the ground that much time had lapsed after her termination. The Labour Court awarded compensation of Rs.65,000/- to the petitioner.
4. Learned counsel for the petitioner urged at the time of hearing that the compensation awarded by the Labour Court is on a lower side. The petitioner seeks enhancement of compensation to Rs.2,50,000/-. Reliance is placed on Ashok Kumar v. M/s. Hindustan Vegetable Oil Co.,

5. Learned counsel for the respondent urged at the time of hearing that the compensation awarded by the Labour Court is fair and reasonable. It is submitted that the respondent has already paid Rs.69,388/- to the petitioner towards compensation of Rs.65,000/- and interest thereon.
6. This Court is of the view that the compensation awarded by the Labour Court is on a lower side. Considering the length of service and other relevant facts, the compensation awarded by the Labour Court is enhanced from Rs.65,000/- to Rs.1,50,000/-.
7. The respondent is directed to pay the enhanced compensation of Rs.85,000/- to the petitioner by transferring the same to his savings bank account within four weeks. If the enhanced compensation amount of Rs.85,000/- is not paid within four weeks, the respondent shall be liable to pay Rs.85,000/- along with interest @ 9% per annum from the date of the judgment till realization.
8. Learned counsel for the petitioner shall furnish the particulars of the savings bank account of the petitioner to learned counsel for the respondent within two weeks.
9. The writ petition is allowed in the above terms.
10. Copy of this judgment be given dasti to counsel for the parties under the signature of the Court Master.