
(2019) 07 DEL CK 0259

In the Delhi High Court

Case No : Civil Writ Petition No. 11716 Of 2016

Khem Karan Shukla

APPELLANT

Vs

M/S Microtex India Ltd

RESPONDENT

Date of Decision : 08-07-2019

Acts Referred:

Citation : (2019) 07 DEL CK 0259

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

Bench : Single Bench

Advocate : Mahavir Singh, Panchajanya B. Singh, Suresh Kumar Krilvanshi

Final Decision : Allowed

Judgement

J.R. Midha, J

1. The petitioner has challenged the award of the Labour Court whereby compensation of Rs.3,00,000/- has been awarded to the petitioner in lieu of reinstatement and back wages including litigation expenses. The petitioner seeks enhancement of the compensation amount.

2. The petitioner joined as a Junior Master with the respondent in September, 1990; his services were regularised on 31st January, 1994; the management terminated him on 27th October, 2007 and his last drawn salary was Rs.11,100/- per month. The petitioner issued a demand notice dated 31st October, 2007 to the respondent seeking reinstatement. The petitioner thereafter raised an industrial dispute which was referred to the Labour Court.

3. The learned Labour Court held the termination of the petitioner by the respondent to be illegal. The petitioner did not press for reinstatement and therefore, the Labour Court awarded compensation of Rs.3,00,000/- to the

petitioner in lieu of reinstatement and back wages including litigation expenses.

4. Learned counsel for the petitioner urged at the time of hearing that the petitioner worked with the respondent for about fourteen years before the termination. It is further submitted that the petitioner is without job after termination for almost twelve years. It is further submitted that both the kidneys of the petitioner have failed and the petitioner is surviving on dialysis every alternate day.

5. The petitioner present in Court along with his wife submits that he has no means of sustenance. The petitioner seeks enhancement of compensation from Rs.3,00,000/- to Rs.15,00,000/-.

6. There is no appearance on behalf of the respondent despite service. Counter affidavit has also not been filed by the respondent.

7. Learned counsel for the petitioner submits that the respondent has not challenged the impugned award.

8. This Court is satisfied that the amount awarded by the Labour Court is on a lower side. Considering about fourteen years of service of the petitioner, the compensation of Rs.3,00,000/- awarded by the Labour Court is enhanced to Rs.6,00,000/- along with interest at the rate of 9% per annum from the date of the award till realisation. The writ petition is allowed in the above terms.

9. Copy of this judgment be given dasti to counsel for the petitioner under signatures of Court Master.