
(2009) 07 DEL CK 0368

In the Delhi High Court

Case No : Writ Petition (C) No. 10232 of 2009

Shyam Narain

APPELLANT

Vs

Ashwani Plastics

RESPONDENT

Date of Decision : 20-07-2009

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2009) 07 DEL CK 0368

Hon'ble Judges : S.N. Aggarwal, J

Bench : Single Bench

Advocate : M.N. Singh, for the Appellant; V.K. Kalra, for the Respondent

Final Decision : Dismissed

Judgement

S.N. Aggarwal, J.—This writ petition filed by the workman (petitioner herein) is directed against an award dated 11.12.2007 passed by Mr. N.K. Kaushik, Presiding Officer, Labour Court-VI, Delhi by which an amount of Rs. 60,000/- has been awarded to the petitioner as compensation in lieu of his claim for reinstatement and back wages.

2. Mr. V.K. Kalra accepts notice of this petition on behalf of the management/respondent.

3. Heard.

4. Mr. M.N. Singh, learned Counsel appearing on behalf of the workman (petitioner herein) contends that the petitioner having worked for more than 26 years with the respondent management prior to his termination was entitled to gratuity and other terminal benefits and according to him, the impugned award has not taken care of the components of gratuity and other terminal benefits admissible to the workman at the time his services were illegally dispensed with. He, therefore, submits that the amount of Rs. 60,000/- awarded by the Court below in favour of workman is quite inadequate and, therefore, he requests that the compensation amount may be enhanced in the present proceedings.

5. Mr. Kalra, learned Counsel appearing on behalf of the management says that his client disputes the period for which the petitioner had allegedly worked with the management. Mr. V.K. Kalra further submits that this petition is otherwise barred by delay and laches as the said petition has been filed after 1? years of passing of the impugned award.

6. I have considered the rival submissions made by the counsel for the parties. In my opinion, the impugned award insofar as it has awarded Rs. 60,000/- as compensation to the workman for illegal termination of his services by the management does not call for any interference by this Court in exercise of its extraordinary discretionary jurisdiction under Article 226 of the Constitution. However, it is clarified that the compensation of Rs. 60,000/- awarded by the Court below in favour of workman will be only on account of wrongful termination of his services and this will not in any manner preclude the petitioner from making claim for terminal benefits or for compensation under the Workmen Compensation Act, 1923, if the same is otherwise admissible under the rules and the law applicable to him.

7. In view of the above, I do not find any merit in this petition which fails and is hereby dismissed in limine.