

(2019) 08 DEL CK 0060

In the Delhi High Court

Case No : Civil Writ Petition No. 6003 Of 2008

Super Engineering Works

APPELLANT

Vs

Ishwar Singh

RESPONDENT

Date of Decision : 05-08-2019

Acts Referred:

Code Of Civil Procedure, 1908 — Order 21 Rule 1

Citation : (2019) 08 DEL CK 0060

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

Bench : Single Bench

Advocate : D.R. Bhatia, Arati Mahajan, Vidur Dwivedi, Swati Singh

Judgement

J.R. Midha, J

1. The petitioner has challenged the award of the Labour Court whereby Labour Court awarded compensation of Rs.2,70,000/- along with interest @18% per annum from the date of filing of the claim and the litigation cost of Rs.10,000/-.
2. Learned counsel for the petitioner urged at the time of hearing that the respondent claims to have worked with the petitioner for a period of less than two years and he was drawing a salary of Rs.3,200/- per month, which is more than the minimum wages at the relevant time. It is submitted that the amount awarded by the Labour Court is on a higher side. It is further submitted that the interest of 18% from the date of filing of the writ petition is also unjustified.
3. Learned counsel for the respondent urged at the time of hearing that the compensation as well as interest awarded by the Labour Court is fair and reasonable. It is submitted that the respondent is entitled to back wages as well as compensation.
4. After taking into consideration all the relevant factors, this Court is of the view that the compensation as well as the interest awarded by the Labour Court are on a higher side.

5. This Court is of the view that Rs.2,00,000/- along with interest @ 9% from the date of the award is a fair compensation.

6. The writ petition is allowed and the compensation awarded by the Labour Court is reduced from Rs.2,70,000/- to Rs.2,00,000/- along with interest @ 9% per annum from the date of the award i.e. 30th April, 2008 till realization. The respondent shall be entitled to litigation cost of Rs.10,000/- as awarded by the Labour Court.

7. The petitioner has deposited Rs.1,25,000/- with the Registrar General of this Court in terms of the order dated 20th August, 2008. Out of the amount deposited by the petitioner, a sum of Rs.1,25,000/- was released to the respondent in terms of the order dated 11th February, 2011. The balance amount with the Registrar General of this Court be released to the respondent within two weeks.

8. The petitioner is directed to deposit the balance amount along with up to date interest with the Registrar General of this Court within four weeks. The amount already deposited by the petitioner shall be first adjusted towards the interest in terms of the Order XXI Rule 1 of the Code of Civil Procedure and thereafter towards the principal. Reference is made to the judgment of this Court in Brijesh Kumar Verma v. Aurangjeb, FAO 345/2016 decided on 24th May, 2017 in which this Court following the principles laid down in Gurpreet Singh v. Union of India, (2006) 8 SCC 457 and Bharat Heavy Electricals Ltd. v. R.S. Avtar Singh, (2013) 1 SCC 243 held that the amount deposited by the judgement debtor shall be first adjusted towards interest and thereafter, towards the principal. The Accounts Officer of this Court shall compute the balance amount payable by the petitioner.

9. Learned counsel for the petitioner submits that the respondent be directed to return original educational certificates deposited by him with the petitioner. The petitioner present in Court along with his counsel submits that he does not have any certificate whether the original or photocopy. In that view of the matter, no direction is warranted by this Court.

10. List for directions on 2nd September, 2019.

11. Copy of this judgment be given dasti to learned counsel for the parties under signature of Court Master.