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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6144/2024**

ANKIT KUMAR AND ORS

.....Petitioners

Through: Mr. Shivam Goel, Ms. Radhika Malik, Ms. Mayuri Shukla, Ms. Amreen and Mr. Akash Katiyar, Advocates.

versus

DIRECTOR GENERAL ESIC

.....Respondent

Through: Mr. Raj Kumar and Mr. Rajender Prasad, Advocates.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% 01.08.2024

CM APPL. 25559/2024 [Exemption from filing certified copies]

1. Allowed, subject to just exceptions.
2. The Application stand disposed of.

CM APPL. 25560/2024 [Exemption from filing complete Trial Court Record]

3. Registry is directed to place on record the complete digital copy of the Trial Court Record duly paginated and book-marked in accordance with the rules of the High Court.

4. The Application stands disposed of.

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5. Registry is directed to paginate the file placed before the Court.



6. The present petition impugns an Award dated 16.05.2023 passed by the Central Government Industrial Tribunal-cum-Labour Court-II in Industrial Dispute Case No. 05/2016.

6.1 By the said Award, the learned Labour Court has awarded lump-sum compensation in the sum of one-month last drawn salary as the notice pay, and 15 days salary for each completed year of service towards retrenchment compensation alongwith an amount of Rs.60,000/- towards compensation and litigation expenses by the management.

7. Learned Counsel for the Petitioners submits that although, the Award found that the termination of the Workmen is illegal, it only provided for lump-sum compensation, as stated above. He further submits that the grievance of the Petitioners (5 in number) is that they were entitled to reinstatement alongwith all back-wages in view of the fact that the employer-employee relationship existed between the Respondent and the Petitioners.

8. Issue Notice.

8.1 Learned Counsel appearing on advance service accepts notice on behalf of the Respondent.

9. Counter-Affidavit be filed within a period of four weeks.

9.1 Rejoinder, if any, be filed within a period of two weeks thereafter.

10. List on 05.11.2024.

TARA VITASTA GANJU, J

AUGUST 1, 2024/pa

[Click here to check corrigendum, if any](#)