



2026:DHC:7614



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 7th September, 2026***# **CNR No. DLHC010351292007**+ **W.P.(C) 4369/2007**

MAHENDRA

.....Petitioner

Through: Mr. M. N. Singh and Mr.
Vaibhav Jain, Advs.

versus

MCD

.....Respondent

Through: Counsel (Appearance not given)

CORAM:**HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)****CM APPL. 56296/2026**

1. Through the present application, the applicant / petitioner seeks restoration of the above-captioned petition, that is, W.P.(C) 4369/2007 to its original number for hearing and disposal on merits.

2. For the reasons mentioned in the application, the same is allowed and the petition is restored and taken up for arguments today.

W.P.(C) 4369/2007

3. Through the present writ petition, the petitioner prays as under:

“I) A writ of certiorari or in the nature thereof or any other appropriate writ, order or direction thereby quashing the relief part of the impugned award and modifying the same and holding the petitioner entitled to reinstatement in service with continuity of service and full back wages and consequential benefits.



- II) *Any other, Order or Direction or such further orders or directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.*
- III) *to award appropriate cost/litigation to the petitioner."*

4. The learned Counsel for the Petitioner submits that the only grievance of the Petitioner is that even though his termination was found to be illegal, only a lumpsum compensation of ₹12,000/- has been granted instead of reinstatement by the learned Labour Court. It was further urged that certain juniors/co-workers of the Petitioner had been retained and regularized by the Respondent.

5. It is well settled that in exercise of jurisdiction under Articles 226 and 227 of the Constitution, this Court does not sit as a Court of appeal over the findings recorded by the Labour Court/Tribunals. Interference is warranted only where the findings suffer from patent perversity, are based on no evidence, or are such that no reasonable person could have arrived at them. Merely because another view on the evidence is possible would not justify interference. Reference in this regard may be made to the judgment in ***International Airport Authority of India v. International Air Cargo Workers Union : (2009) 13 SCC 374.***

6. In the present case, it is not disputed that the Petitioner, worked for only one year from 23.09.1998 till October, 1999, when his services were terminated.

7. A perusal of the Impugned Award dated 08.05.2006 reveals that the learned Labour Court held the termination to be illegal since, despite working for a period of 240 days with the Respondent, his services were illegally terminated without complying with the provisions contained in section 25 (F) of the Industrial Disputes Act, 1947. On the aspect of



relief, the Learned Labour Court noted that the workman was admittedly a casual daily wager, who worked only for a period of 1 year and was being paid minimum wages. It was further noted that nothing has been furnished to show that there existed any post against which he could have been absorbed. Hence, the Learned Labour Court, awarded a compensation of Rs. 12,000/- to the Petitioner.

8. The Petitioner has not been able to demonstrate any perversity in the above findings of the learned Labour Court. It is no more *res-integra* that the observations of the illegal termination do not create an automatic right in favour of the workman to seek re-instatement. Once admittedly no post existed against which the Petitioner could have been absorbed, the relief of re-instatement could not have been granted. Though it has been urged that certain juniors of the Petitioner have been regularized, the same cannot be a ground to regularize/re-instate the Petitioner in the absence of a post against which such relief has been sought. Hence, the approach of the learned Labour Court in awarding compensation in lieu of reinstatement/back wages cannot be faulted.

9. However, at the same time, this Court is conscious of the fact that the termination was in the year 1999 and the dispute has remained pending for more than 2 decades. Thus, considering the totality of circumstances, an additional sum of Rs. 50,000/- is directed to be paid to the Petitioner by the Respondent (which shall be over and above the compensation awarded by the learned Labour Court), within four weeks from date of this Order. Since more than a decade has passed since the passing of the Impugned Award, the compensation of ₹12,000/-, if not already paid, is directed to be paid with simple interest @ 9% per annum



2026:DHC:7614



from the date of award till disbursal.

10. Accordingly, the Impugned Award stands modified and the Petition stands disposed along with pending application(s), if any.

SEPTEMBER 7, 2026

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AMIT MAHAJAN, J