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

CNR No. DLHC011235102007

+ **W.P.(C) 7410/2007**

JOGINDER KUMAR

.....Petitioner

Through: Mr. Chirayu Jain, Ms. Onaizha
Habeeb and Ms. Tanishqua
Dhar, Advocates.

versus

D.T.C.

.....Respondent

Through: Ms. Manisha Tyagi, Advocate.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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17.08.2026

1. By the present petition, the petitioner challenges the award dated 13.04.2007 (hereafter '**impugned award**') passed by the learned Labour Court, Delhi in ID No. 249/2004 to the limited extent that the compensation awarded to the petitioner by the learned Labour Court is not adequate.

2. Briefly stated, the petitioner was engaged as a daily rated conductor by the respondent management in the year 1998. His services were however terminated in the year 2002 by the respondent management on the ground that the petitioner had concealed the information regarding pendency of a civil case instituted against him by his wife.

3. In the industrial dispute raised by the petitioner, the learned Labour Court found the termination of the petitioner to be unlawful and unjustified inasmuch as no notice or retrenchment compensation was paid to the petitioner by the respondent management despite the



fact that the petitioner had worked continuously with the management for about four years.

4. Insofar as the question of relief was concerned, the learned Labour Court granted a lumpsum compensation of ₹75,000/- in lieu of reinstatement. Aggrieved thereby, the petitioner has filed the present petition.

5. The learned counsel for the petitioner submits that the termination of the petitioner was found to be unjustified and unlawful. He submits that the petitioner was terminated on erroneous considerations only because a divorce case was pending against him. He submits that since the termination of the petitioner was stigmatic, the petitioner ought to have been granted reinstatement. He consequently prays that the petitioner be granted notional reinstatement. Alternatively, he prays that the compensation awarded to the petitioner be enhanced.

6. *Per contra*, the learned counsel for the respondent submits that the learned Labour Court took note of the totality of facts and circumstances of the case and passed the impugned award. She submits that the impugned award does not suffer from any demonstrable perversity so as to warrant interference by this Court.

7. Having heard the counsel and perused the record, at the outset, it is pertinent to note that this Court in exercise of writ jurisdiction is not entitled to act as an Appellate Court. This Court therefore cannot review or reweigh the evidence and jurisdiction to issue a writ is essentially a supervisory jurisdiction to ensure that the inferior Tribunals have acted within their jurisdiction.

8. Having noted thus, the grievance urged before this Court is that the petitioner was liable to be granted reinstatement since the



petitioner was terminated on erroneous considerations and his termination was categorically found to be unlawful and unjustified by the learned Labour Court. Alternatively, it is prayed that the compensation awarded to the petitioner be enhanced.

9. The contention urged on behalf of the petitioner though appears to be attractive on the first blush cannot be countenanced.

10. It is well settled that when the termination is found illegal because of procedural defect, reinstatement is not automatic and the Courts are within their power to grant monetary compensation *in lieu* of re-instatement [***Jagbir Singh v. Haryana State Agriculture Mktg. Board : (2009) 15 SCC 327***]. Further, the learned Tribunal is well within its power to determine the adequate form of relief in the facts and circumstances of each case.

11. As is evident from a perusal of the impugned award, the learned Labour Court noted that the petitioner had worked with the respondent management for only about four years and that too on a daily rated basis. It was also noted that a long period had elapsed since the petitioner was terminated in the year 2002 and the passing of the impugned award. In such circumstances, the learned Labour Court rightly found the relief of compensation to be more appropriate than reinstatement.

12. Insofar as the question of quantum of compensation is concerned, evidently, while passing the impugned award, the learned Labour Court took into account the period of service rendered by the petitioner and his last drawn wages. Undisputedly, the petitioner was only a daily rated worker and had worked with the respondent for a short span of only four years. In such circumstances, on a holistic appraisal of facts, considering the nature and duration of the



employment of the petitioner, the award of lumpsum compensation of ₹75,000/- is thus reasonable in the facts of the present case.

13. As noted above, interference under Article 226 of the Constitution of India is warranted only where the decision is demonstrably arbitrary or perverse.

14. In the facts of the present case, no such perversity or arbitrariness has been pointed out so as to warrant the exercise of jurisdiction under Article 226 of the Constitution of India.

15. The present petition is accordingly dismissed.

AMIT MAHAJAN, J

AUGUST 17, 2026

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