



2025:DHC:3642



\$~25

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision: 24.04.2025*+ **W.P.(C) 12520/2021, CM APPL. 39413/2021**

M/S UNITAS FOODS PVT. LTD. ....Petitioner

Through: Ms. Naomi Chandra, Adv.

versus

MR. GYANENDER ....Respondent

Through: Mr. Pran Krishna Jana, Adv. with  
Respondent in-person**CORAM:****HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)****CM APPL. 39414/2021/Exemption]**

1. This Application has already been disposed of by the Court on 09.11.2021.

**W.P.(C) 12520/2021, CM APPL. 39413/2021/Stay]**

2. The Respondent is physically present before the Court today.

3. At the outset, learned Counsel for the Petitioner submits that the balance amount of the wages due under Section 17-B of the Industrial Disputes Act, 1947 has been paid to the Respondent.

3.1 A Demand Draft of the balance amount has been handed over by the learned Counsel for the Petitioner to the Respondent, who is physically present before the Court.

4. The present Petition has been filed by the Petitioner seeking to challenge an award dated 13.01.2020 passed by Ld. Labour Court-V, Rouse Avenue, Delhi [hereinafter referred to as 'Impugned Award']. The grievance of the Petitioner/Management as articulated in the present Petition is that the



2025:DHC:3642



Impugned Award was passed by the learned Labour Court wherein the Respondent (Claimant before the learned Labour Court) was awarded reinstatement in service and full back wages along with continuity of service and other consequential benefits.

5. Briefly the facts are that the Respondent was appointed at the designation of Marketing Executive by the Petitioner on 01.12.2012 and was later promoted to the designation of Purchase Manager. The services of the Respondent were terminated on 21.02.2015 and thereafter Respondent filed a Claim Petition before the learned Labour Court claiming that the Petitioner management is not providing the facilities like appointment letter, weekly and yearly leave, overtime, bonus and other allowances and when the same were demanded, the Petitioner/management terminated the services on 21.02.2015 without any notice and without payment of earned salary for the period 01.02.2015 to 20.02.2015. Since the Petitioner/Management didn't come forward to cross examine the Respondent/Claimant, the evidence of the Respondent/Claimant remained uncontroverted and unrebutted and were thus accepted on the face value. Learned Labour Court came to a conclusion that the services of the Respondent/Claimant were terminated illegally and unjustifiably by the Petitioner/Management and thus awarded the relief of reinstatement with full back wages along with continuity of services and all other consequential benefits.

6. It is the case of the Petitioner/Management that the Petitioner/Management had engaged a counsel before the learned Labour Court and had also filed a Reply to the claim of the Respondent. Subsequently, the counsel for the Petitioner/Management stopped appearing



2025:DHC:3642



in the matter and did not inform the Petitioner/Management of the same. It is further stated that various other allegations have been set out in the Petition against the Counsel, who was appearing for the Petitioner/Management before the learned Labour Court. The Petitioner/Management has further stated that on multiple occasions, the counsel did not appear and sought adjournment requests, hence, the evidence of the Petitioner/Management was closed.

7. Learned Counsel for the Petitioner/Management further submits that the Petitioner has also filed a complaint to the Bar Council of India against the said previous Counsel.

8. Learned Counsel for the Petitioner/Management submits that the Petitioner/Management essentially challenges the Impugned Award on another ground as well. Learned Counsel submits that the Impugned Award is bereft of any reasons and that there is no finding with respect to the issues raised before the learned Labour Court.

9. A perusal of the Impugned Award reflects that the issue framed by the learned labour Court was as to whether the services of the Respondent/Workman have been terminated illegally and/or unjustifiably by the Petitioner/Management and if so, to what relief is the claimant entitled to. However in this regard, all that the Impugned Award records is that despite numerous opportunities, the Petitioner/Management failed to cross-examine the Respondent/Claimant and the opportunity of the Petitioner/Management for cross-examination was closed by the learned Labour Court.



2025:DHC:3642



9.1. Learned Counsel for the Petitioner/Management further submits that the Company was shut down in the year 2020 and that the Company is not doing any business today.

10. Learned Counsel for the Respondent submits that the contentions of the Petitioner are not correct. Learned Counsel submits that paragraphs 16 and 17 of the Impugned Award discusses the issues and thus the award can be sustained.

11. The record of the learned Trial Court reflects that on 05.08.2019, a final opportunity was granted to the Petitioner/Management for recordings its evidence, since there was no appearance on their behalf. Subsequently on 16.10.2019, a proxy counsel appeared on behalf of the Petitioner/Management and an adjournment request was sought by the proxy counsel. On 08.01.2020, once again an adjournment request was sought by the representative of the Petitioner/Management. On that date, the learned Labour Court found that since two opportunities had already been granted to the Petitioner/Management for cross-examination, the adjournment request was declined.

12. It is the case of the Petitioner/Management that the Respondent/Claimant was not a workman but was a Purchase Manager from April 2014 onwards with a salary of Rs.12,000/-. Subsequently, the salary of the Respondent/Claimant was increased to Rs.12,500/- in the month of January, 2015 and had held a key managerial position in the Company. In October 2014, the Respondent/Claimant resigned from his position without any explanation and his resignation was accepted by the Petitioner/Management. However, thereafter the Respondent/Claimant



2025:DHC:3642



requested the Petitioner/Management to take him back which was also done by the Petitioner/Management. Learned Counsel for the Petitioner/Management seeks to rely upon the emails dated 30.10.2014 and 09.12.2014 in this behalf, which are reproduced below:

**"Email dated 30.10.2014"**

**Date: Thu, Oct 30, 2014 at 10:43 AM**

**Subject: Regarding Resignation before 4 or 5 month**

**To: Operations <operations@yumyumdimsum.com>**

*Dear Sir*

*This is to bring to your kind information that due some problem mention in resignation letter before some time After consulting I have been working continue that letter was not received to me that is my document on ground of period letter is liable to be cancelled not usable pl return or destroyed yourself.*

*above is for kind notice*

*thanks*

*Gyanendra (purchase)*

xx

xxx

xxxx

xxx

**"Email dated 09.12.2014"**

**From: Purchase. <purchase@yumyumdimsum.com>**

**Date: Tue, Dec 9, 2014 at 5:42 PM**

**Subject: Request of Revise my salary**

**To: Operations <operations@yumyumdimsum.com>, Puja Mahajan <unitasfoods@gmail.com>**

*Dear madam*

*This is to bring to your kind information that I have been working in your esteemed organisation since long I always try to up my company with my best efforts presently working as purchase manager holding all key position to up company my salary is rs 12500.00 in which I have to pay 3000.00 on conveyance rest Rs 9500.00 is in my hand so please revise my salary if possible from your side even my wife is also suffering since long from eye disease she is undertreatment in hospital*

*hoping to do needful*



*Warm Regards*

*Gyanendra Kumar*  
*UNITAS FOODS PVT LTD.”*

[Emphasis Supplied]

13. Thereafter, the Respondent/Claimant stopped coming to the office from 21.02.2015 without any intimation to the Petitioner/Management. These facts are set out in the Written Statement/Reply, which was filed by the Petitioner/Management before the learned Labour Court, including the objections that the Respondent/Claimant is a Manager and not a workman, as is defined under the Industrial Disputes Act, 1947. It is apposite to extract the relevant paragraph of the Written Statement/Reply below:

*“3. That, the workman was Sales Manager in the management, which doesn't come under the category of workman, despite knowing this, causing disturbance to the management is only an unsuccessful attempt to make pressure on the management for unlawfully recovering amount, which is liable to be dismissed.”*

14. The Impugned Award, however, neither acknowledges this Reply nor takes into account the contentions raised by the Petitioner/Management. The relevant extract of the Impugned Award is set out below:

“

**PART-C**  
**ISSUES**

*10. From the pleading of the parties the following issues were framed vide order dated 26.10.2018 :-*

*a) Whether the services of the workman have been terminated illegally and/or unjustifiably by the management and if so, to what relief is he entitled? OPW.*

*b) Relief.*

**PART-D**  
**CLAIMANT'S EVIDENCE**

*11. In support of his claim claimant examined himself as WW1 and deposed along the lines of statement of claim and also proved on record the documents in support of his case.*



12. Despite numerous opportunities granted to the management, the management failed to cross examine the claimant deposing as WW1 and accordingly, the said opportunity was closed vide order dated 27.09.2019.

**PART-E**  
**MANAGEMENT EVIDENCE**

13. The management also failed to lead evidence despite numerous opportunities granted to it and accordingly, said opportunity of the management to lead its evidence was closed vide order dated 08.01.2020.

**PART-F**  
**FINDINGS/CONCLUSION**

14. The management has also not come forward to advance final arguments despite grant of opportunity and accordingly, vide order of even date said opportunity of the management also stand closed.

15. After considering the claim, reply, documents and the evidence led on record, the issue wise decision of the court is as under :-

**ISSUE No.1: Whether the services of the workman have been terminated illegally and/or unjustifiably by the management and if so, to what relief is he entitled? OPW.**

**16. In view of the discussion made vide Part D and E above, as the management has neither come forward to cross examine claimant deposing as WW1 in order to contradict the deposition made by him in support of his claim nor to lead its own evidence in order to support the stand taken by it in the WS, the evidence of the claimant remained uncontroverted and unrebutted and accordingly, accepted on its face value.**

**17. In view of the same, the court has come to the conclusion that services of the claimant stand terminated illegally and unjustifiably by the management without following due principles of Industrial Disputes Act.**

**18. Issue no.1 is accordingly, decided in favour of the claimant.**

**ISSUE No.2: RELIEF**

19. In view of the outcome of issue no.1, the claimant is held entitled to the relief of reinstatement with full backwages along with continuity of services and all other consequential benefits.

20. In case the management fails to give effect to the award within 30 days from the date of publication of the same, claimant is also entitled to simple interest @9% p.a. on the amount payable to him till the date the same is actually paid.

21. Reference answered accordingly.



22. *Let copy of the award be sent to the appropriate Govt for its publication as per rules.*”

[Emphasis Supplied]

15. As can be seen from above, in paragraph 16 of the Impugned Award learned Labour Court deals with issue number No.1, pertaining to illegal termination of the Respondent/Claimant, and the learned Labour Court, while relying on Part D and E of the Impugned Award, has held that despite numerous opportunities, the Petitioner/Management failed to cross-examine the Respondent/Claimant and thus the opportunity of the Petitioner/Management to cross-examine was closed. However, it does not give any analysis or finding in this regard. The only reason as is set out is the fact that the Petitioner/Management has failed to cross-examine the witness despite numerous opportunities and since the evidence of the Respondent/Claimant remained uncontroverted and unrebutted, it was accepted.

16. The Supreme Court in the case of *Uttar Pradesh State Road Transport Corporation vs. Jagdish Prasad Gupta*<sup>1</sup> has held that it is the duty of the Court to ensure that reasons are provided in the order so as to introduce clarity in the order indicating the application of mind thereby avoiding arbitrariness in the decision. It was held that the failure to give reasons amounts to a denial of justice. The relevant paragraph nos. 8, 9 & 10 are reproduced hereunder:-

“8. “5. ... *Reasons introduce clarity in an order. On plainest consideration of justice, the High Court ought to have set forth its reasons, howsoever brief, in its order indicative of an application of its mind, all the more when its order is amenable to further avenue of challenge. The absence of reasons*

---

<sup>1</sup> (2009) 12 SCC 609



has rendered the [High Court's judgment] not sustainable. ...

6. Even in respect of administrative orders, Lord Denning, M.R. in *Breen v. Amalgamated Engg. Union* [(1971) 2 QB 175 : (1971) 2 WLR 742 : (1971) 1 All ER 1148 (CA)] observed : (WLR p. 750 G). 'The giving of reasons is one of the fundamentals of good administration.' In *Alexander Machinery (Dudley) Ltd. v. Crabtree* [1974 ICR 120] it was observed:

**'Failure to give reasons amounts to denial of justice. Reasons are live links between the mind of the decision-taker to the controversy in question and the decision or conclusion arrived at.'**

**Reasons substitute subjectivity by objectivity. The emphasis on recording reasons is that if the decision reveals the 'inscrutable face of the sphinx', it can, by its silence, render it virtually impossible for the courts to perform their appellate function or exercise the power of judicial review in adjudging the validity of the decision. Right to reasons is an indispensable part of a sound judicial system, reasons at least sufficient to indicate an application of mind to the matter before court. Another rationale is that the affected party can know why the decision has gone against him. One of the salutary requirements of natural justice is spelling out reasons for the order made, in other words, a speaking-out. The 'inscrutable face of a sphinx' is ordinarily incongruous with a judicial or quasi-judicial performance."**

[Emphasis supplied]

17. The proposition of law that reasoning is required to be given in judicial pronouncements and by authorities, even for *quasi-judicial* decisions has been discussed in detail in the decision of the Supreme Court in the case of *Kranti Associates (P) Ltd. vs. Masood Ahmed Khan*<sup>2</sup>. The relevant extract is set out below:

"47. Summarising the above discussion, this Court holds:

(a) **In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.**

(b) A quasi-judicial authority must record reasons in support of its conclusions.

(c) **Insistence on recording of reasons is meant to serve the wider**

---

<sup>2</sup> (2010) 9 SCC 496



**principle of justice that justice must not only be done it must also appear to be done as well.**

**(d) Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.**

**(e) Reasons reassure that discretion has been exercised by the decisionmaker on relevant grounds and by disregarding extraneous considerations.**

**(f) Reasons have virtually become as indispensable a component of a decision-making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.**

**(g) Reasons facilitate the process of judicial review by superior courts.**

*(h) The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the lifeblood of judicial decision-making justifying the principle that reason is the soul of justice.*

*(i) Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.*

**(j) Insistence on reason is a requirement for both judicial accountability and transparency.**

*(k) If a judge or a quasi-judicial authority is not candid enough about his/her decision-making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.*

**(l) Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or "rubber-stamp reasons" is not to be equated with a valid decision-making process.**

*(m) It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision-making not only makes the judges and decision-makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor [(1987) 100 Harvard Law Review 731-37].)*

*(n) Since the requirement to record reasons emanates from the broad doctrine of fairness in decision-making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See Ruiz Torija v. Spain [(1994)*



*19 EHRR 553] EHRR, at 562 para 29 and Anya v. University of Oxford [2001 EWCA Civ 405 (CA)] , wherein the Court referred to Article 6 of the European Convention of Human Rights which requires, “adequate and intelligent reasons must be given for judicial decisions”.*

*(o) In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of “due process”.*

[Emphasis supplied]

18. Quite clearly and given the fact that Impugned Award does not give any findings or even reasons for the award, the Impugned Award suffers from a material irregularity and is accordingly set aside.

19. The matter is remanded to the learned Labour Court. The parties shall appear before the learned Labour Court on 21.05.2025.

20. The matter shall continue from the stage of the Respondent’s/Claimant’s evidence. The Petitioner/Management shall cross-examine the Respondent/Claimant on the next date of hearing before the learned Labour Court.

21. The learned Labour Court, while deciding the matter, shall take into account the amounts which have already been received by the Respondent/Claimant till today.

22. Learned Counsel for the parties submit that the parties will not take any unnecessary adjournments before the learned Labour Court.

22.1 The parties are bound down to the statement made by their Counsel before the Court today.

23. Given the pendency of the matter, the learned Labour Court is



2025:DHC:3642



requested to dispose of the matter expeditiously.

24. The present Petition is disposed of in the foregoing terms. The pending Application also stands closed.

25. However, given the fact that the Petitioner also lacked in appearing before the learned Labour Court and had put the entire blame on the counsel, this Court deems it apposite to impose costs on the Petitioner/Management in the sum of Rs.35,000/- payable directly to the “*Bar Council of Delhi-Indigent and Disabled Lawyers Account*”.

26. The parties shall act based on the digitally signed copy of the order.

**TARA VITASTA GANJU, J**

**APRIL 24, 2025/jn/r/ha**

*Click here to check corrigendum, if any*