



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

% Date of Decision: 03.07.2025

+ **W.P.(C) 8877/2025, CM APPL. 37889/2025 and
CM APPL. 37890/2025**

SUN TEC WEB SERVICES PVT. LTDPetitioner

Through: Mr.Shafiq Khan and Mr.Vikasdeep
Sharma, Advocates

versus

SUNIL KUMAR

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT (ORAL)

1. By way of present writ petition filed under Article 226 of the Constitution of India, the petitioner seeks setting aside of the order dated 09.04.2024 passed by the Presiding Officer, Labour Court-X, Rouse Avenue Court, New Delhi in LIR No. 1915/2021.

2. The facts of the present case, in a nutshell, are that the respondent has claimed that he was employed with the petitioner as a Computer Operator at a monthly salary of Rs. 37,000/- commencing from 05.04.2011. The respondent/workman's case before the Labour Court was that due to him repeatedly demanding legal facilities like PF, E.S.I., bonus etc. from the petitioner/management, his services were illegally terminated by the management on 17.08.2019, without any notice or intimation. Thereafter, the workman lodged a complaint with the Asst. Labour Commissioner Office, Nimri Labour Colony, Ashok Vihar, Delhi and also sent a demand



letter dated 24.12.2019. Upon failure of conciliation proceedings, the matter was referred to Labour Court for adjudication. Vide the impugned award, the petitioner was directed to pay Rs. 3,60,000/- towards compensation to the respondent for illegal termination.

3. Learned Counsel for the petitioner while assailing the award, contends that the Labour Court did not examine the documents adduced with the written statement and went on to decide all the issues without considering these documents. Moreover, it is submitted that the Respondent rather voluntarily resigned vide letter dated 21.06.2019 and there was nothing to suggest that Respondent's services were illegally or arbitrarily terminated. It is submitted that the respondent was issued a warning on 12.01.2012 for watching videos on the computer system during his work hours to which he tendered his apology vide email dated 02.08.2012 and subsequently resigned on 21.06.2019.

4. A perusal of the record would show that on 21.02.2022, the Respondent/workman had filed a statement of claim. The AR of the petitioner/management had entered appearance and also filed written statement on 10.05.2022. This written statement was accompanied by certain letters and documents stated to be pertaining to the respondent/workman. It is observed that though the respondent/workman (WW1) tendered his evidence by way of affidavit Ex.WW1/A, the management failed to cross examine the respondent despite opportunity. The impugned order also records that after the workman evidence closing on 24.01.2023, the matter was specifically adjourned to 03.03.2023 for the petitioner/management to lead evidence. However, as recorded in the impugned order, despite multiple opportunities being provided and even cost



being imposed, the petitioner/management failed to act, leading to the closure of their right to tender evidence on 10.10.2023.

5. It is evident that the Labour Court has considered the Written Statement while deciding the Claim Petition. Since it was the petitioner/management's stand that the case was one of voluntary resignation and not illegal termination, they ought to have led evidence and cross examined the workman to establish their case. However, neither was done. Resultantly, the respondent's statement on oath that he was wrongly terminated went unrebutted. The documents filed by the petitioner were not exhibited/proved.

6. The position of law is settled and the scope of enquiry is limited to be carried out by the Writ Court, as this Court cannot act as a Court of Appeal and go into the re-appreciation of the evidence. In view of the aforesaid and considering that the petitioner has not produced the documents filed with the Written Statement in evidence despite repeated opportunities, this Court concurs with the conclusion arrived at by the Labour court that the petitioner failed to prove that respondent had resigned from the service. Even otherwise, the alleged apology email was seven years prior in time to the alleged resignation. In these facts, no ground is made out to interfere with the findings in the impugned order.

7. Consequently, the present petition is dismissed alongwith the pending applications.

**MANOJ KUMAR OHRI
(JUDGE)**

JULY 3, 2025

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