



2025:DHC:5635



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

% Date of Decision: 10.07.2025

+ **W.P.(C) 9522/2025, CM APPL. 40221/2025, CM APPL. 40222/2025, CM APPL. 40223/2025 and CM APPL. 40224/2025**
MS SOLAR HUMAN RESOURCES MANAGEMENT PVT LTD

.....Petitioner

Through: Mr. Vipul Kumar Sharma, Advocate

versus

LABOUR COMMISSIONER GOVT OF NCT OF DELHI & ORS.

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT (ORAL)

1. The present petition has been preferred challenging the impugned award dated 23.07.2024 passed in LIR No. 1367/2023 by POLC-VIII, Rouse Avenue District Court, New Delhi wherein termination of the workman/respondent No.2 by the management/petitioner was held to be illegal and the workman was resultantly, granted relief of reinstatement with full back wages.

2. In the statement of claim, the workman/respondent No.2 claimed himself to be employed by the petitioner/management as a housekeeper at a monthly salary of Rs.12,000/-. It was further claimed that the workman was illegally terminated by the management on 08.12.2021 without any notice, pertinently, due to the demands made by the workman qua issuance of the appointment letter, attendance card, bonus, ESI facility, overtime charges, etc. A demand letter dated 12.01.2022 was sent by the workman, claiming



reinstatement along with minimum wages. The said demand letter remained unanswered, and aggrieved by the same, the workman approached the Labour Commissioner. However, the Conciliation proceedings were unsuccessful. Thereafter, the dispute was referred to the Labour Court for adjudication vide reference dated 17.07.2023, consequent to which the *ex-parte* impugned award came to be passed.

3. Before this Court, learned counsel for the petitioner, while assailing the *ex-parte* impugned award, primarily submitted that the petitioner was not granted sufficient opportunity to lead evidence or file a written statement or reply to the claim filed by the workman. It is submitted that the workman himself has abandoned the services from 07.09.2021 without any prior notice or due communication and instead initiated the present proceedings. It is further submitted that separate proceedings under the Minimum Wages Act, 1948, were initiated by the workman seeking back wages. It is stated that the matter was, however, settled between the parties vide the settlement agreement dated 14.09.2022, wherein the petitioner had made a payment of Rs. 25,000/- to the workman towards the difference of minimum wages.

4. While dealing with the first contention of the management that no sufficient opportunity was granted to the petitioner to present its case before the Labour Court, a perusal of the proceeding would show that notice to appear before the Conciliation Officer was initially duly served upon the management on 11.05.2022 when the matter was pending for conciliation. The order dated 18.08.2022 makes it evident that the management was represented before the conciliation officer. The matter was referred to the Labour Court vide order 17.07.2023, given the non-settlement of the dispute. Thereafter, the matter was listed on 05.02.2024, and the



management sought adjournment stating non-availability of the main counsel as well as to file the written statement. However, on 14.03.2024, the management was proceeded *ex parte*, with the Labour Court taking note of the fact that not only the management failed to place on record written submissions despite the last and final opportunity being granted on the previous occasion, even after multiple calls on the said date, there was no appearance on behalf of the management. Pertinently, the management even failed to challenge the *ex parte* order, and the order, therefore, attained finality. It is not the case of the management that there was any deficiency with regard to the service of summons, and the dispute was not within its due knowledge. On the contrary, the record clearly indicates the whimsical attitude of the management towards the court proceedings and failure of the management to lead any evidence or file written statement, to challenge the claim of the workman, before the labour court despite the issuance of summons. The workman to prove his employment, had relied on bank statements showing receipt of salary. The same remained uncontroverted by the management. Hence, the Labour Court rightly came to the conclusion that the services of workman were terminated illegally and awarded reinstatement.

5. Insofar as the contention with respect to the settlement of the dispute is concerned, the said settlement agreement dated 14.09.2022 pertained to case No. MW/SED/237/2022 under the Minimum Wages Act, 1948 and the same does not form part of the record of the present proceedings and is not concerning the present dispute but pertains to a separate proceeding under a different statute.

6. Therefore, considering the aforesaid and the fact that the employer-



2025:DHC:5635



employee relationship not being in dispute, and the subsequent illegal termination remaining uncontroverted with no evidence being led to prove otherwise or to contest the claim of the workman, I find no ground to entertain the present petition. Accordingly, the same is dismissed along with the pending applications.

**MANOJ KUMAR OHRI
(JUDGE)**

JULY 10, 2025

na