



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

% Date of Decision: 23.05.2025

+ **W.P.(C) 15801/2023, CM APPL. 63583/2023**

M/S A.P.APPARELS .....Petitioner  
Through: Mr. Puneesh Bahri, Advocate.

versus

THE LABOUR COMMISSIONER & ORS. ....Respondents  
Through: Ms. Shikha and Mr. Tarun Kumar,  
Advocates for R-3 alongwith R-3 in  
person.

+ **W.P.(C) 16239/2023, CM APPL. 65320/2023**

M/S A.P.APPARELS .....Petitioner  
Through: Mr. Puneesh Bahri, Advocate.

versus

THE LABOUR COMMISSIONER & ORS. ....Respondents  
Through: Ms. Shikha and Mr. Tarun Kumar,  
Advocates for R-3 alongwith R-3 in  
person.

**CORAM:**  
**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**JUDGMENT (ORAL)**

1. By way of above-noted petitions filed under Article 226 of the Constitution of India, the petitioner seeks setting aside of the impugned awards dated 05.09.2019 passed in ID No. 9750/2016 and 9751/2016



respectively.

2. Since both the petitions have been filed by the same petitioner against the respondents/workmen who claim themselves to be their employees and further in view of the common submissions having been addressed, both the petitions are taken up for consideration and disposed of by this common judgment.

3. Upon claims being raised by the workmen, namely *Indal Kumar Betha* and *Sanjay Chauhan*, being respondents No.3 in both the petitions, individual references were sent by the Joint Labour Commissioner, Labour Department, West District, GNCTD.

4. On receipt of the references, notices were issued to the workmen after which statement of claims came to be filed. In their respective claims, the respondents No.3/workmen had claimed that their services were terminated illegally and unjustifiably by the management. While the workman/*Indal Kumar Betha* claimed employment with the petitioner since January 2001, the other workman/*Sanjay Chauhan* claimed employment since January, 2010. Both the workmen claimed that they were employed at the post of 'Press Man' with a last drawn salary of Rs.14,000/-. They alleged that action of termination was taken without issuance of prior notice. It was further alleged that during their service tenure, the management did not provide them with legal facilities like transfer letter, appointment letter, leave book, wage slip, casual/annual leaves, bonus, overtime wages etc. and when the same were demanded, their services were terminated by the management on 21.06.2016. It was further claimed that management did not provide their wages from 01.05.2016 to 20.06.2016 in utter violation of provisions of Section 25 of the Industrial Disputes Act, 1947 (hereinafter, the I.D. Act).



The workmen sent the demand notice through registered post which remained unanswered. In both the references, the management was duly served however, it chose not to appear and was eventually proceeded *ex-parte* on 26.09.2017 in both the cases. Both the workmen examined themselves and also filed their evidence by way of affidavits. As the management failed to appear, the Labour Court considered the averments and the evidence placed on record and returned a finding that services of both the workmen were terminated illegally in violation of Section 25F of the I.D. Act. Labour Court, observing that considerable time had passed, thought it fit to award compensation instead of reinstatement. Accordingly, lump sum compensation of Rs.2,50,000/- and Rs.1,30,000/- was awarded to the workmen i.e. *Indal Kumar Betha* and *Sanjay Chauhan* respectively in lieu of reinstatement, back wages and other consequential benefits. The Award also carried interest @ 9% from the date it becomes due till the time it is realised.

5. Before this Court, learned counsel for the petitioner contends that petitioner was never summoned and one *Mr. Mohd. Shoaib Alam* whose appearance was marked, was never authorised to appear on its behalf.

6. Pertinently, the present petition has been filed after nearly four years of the passing of the impugned Awards. A perusal of the Labour Court Record would show that process was issued on multiple occasions. The first attempt of service was made on 22.02.2017 when the premises of the petitioner was found locked. Another attempt was made on 02.05.2017 when Process Server visited the premises of the petitioner at second floor, Jwala Heri and met a person who did not identify himself and refused to take summons. On 10.08.2017, Process Server again visited the premises of the



petitioner at second and third floor, Jwala Heri where he met one *Mohd. Shoaib Alam* who identified himself as Supervisor. Process Server also affixed copy of the summons on the property. On next date of hearing, i.e., 22.08.2017 though the Court was on leave however, it was recorded that *Mohd. Shoaib Alam* appeared and an endorsement was made to the effect that he had received the copy of the summons through post. The matter was listed on the next date i.e. 26.09.2017, when none appeared for the petitioner and the matter was proceeded ex-parte. Learned counsel for the petitioner tried to disassociate the management from *Mohd. Shoaib Alam* however, a perusal of the writ petition would show that there are no pleadings on the aforesaid aspect. In the opinion of this Court, the petitioner has failed miserably in disassociating the management from *Mohd. Shoaib Alam* and the same appears to be clearly an afterthought.

7. In light of the above, this Court concurs with the finding of the Labour court that the petitioner failed to appear before it, despite being served. The petitions do not raise any substantial ground and being meritless, are dismissed alongwith pending applications.

**MANOJ KUMAR OHRI  
(JUDGE)**

**MAY 23, 2025**

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