



2026:DHC:8481



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

% Date of Decision: 15.09.2026

CNR No. DLHC010050542018

+ **W.P.(C) 1226/2018**

M/S I.E.S. MADE EASYPetitioner
Through: Mr. Rajnish Kumar, Advocate.

versus

MOHD MUSLIM KHANRespondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT (ORAL)

1. The present petition has been filed by the petitioner/management under Articles 226/227 of the Constitution of India seeking setting aside of the Award dated 29.07.2017 passed by the learned Presiding Officer, Labour Court, Karkardooma Courts, Delhi in LIR No.406/2016, whereby the respondent/workman has been awarded compensation of Rs. 75,000/- in lieu of his claim.
2. As per the office report, the respondent stands served through ordinary mode. None appears for the respondent.
3. Vide the impugned Award, the learned Labour Court answered the reference made by the Government vide Ref. No. F.24 (676)/Lab./SD/2014/23221 dated 15.12.2014. The terms of reference, as made by the appropriate Government, were as under:



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“Whether the services of Sh. Mohd. Muslim Khan has been terminated illegally and/or unjustifiably by the management; if so, to what relief is he entitled and what directions are necessary in this respect?”

4. The respondent/workman was appointed with the petitioner/management on 04.01.2005 as a *Driver-cum-Field Worker* and was drawing last wages of Rs. 25,700/- per month. His case before the learned Labour Court was that his services were illegally terminated on 23.05.2014, without issuance of any charge-sheet or notice, after he had sought various statutory benefits. He claimed reinstatement with continuity of service and full back wages. The petitioner/management, on the other hand, disputed the allegation of termination and pleaded that the respondent had himself stopped reporting for duty without intimation and had thereby abandoned his employment.

5. The learned Labour Court framed, *inter alia*, the issue as to whether the respondent had himself remained absent from duty and thereby abandoned his service. The respondent examined himself as WW-1, whereas the petitioner examined its CEO, *Shri T.C. Badan*, as MW-1. The learned Labour Court ultimately held that the petitioner had failed to establish that the respondent had voluntarily abandoned his employment and consequently held that his services had been illegally terminated.

6. Learned counsel for the petitioner submits that the findings returned by the learned Labour Court are contrary to the evidence on record. He submits that the respondent was irregular in attendance and



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had been issued show-cause notices on account of his misconduct. It is further submitted that the respondent had himself stopped attending duty and that the petitioner had called upon him to collect his salary dues. Learned counsel also submits that the respondent had been paid his full and final salary for the period from 01.05.2014 to 23.05.2014 and, therefore, there was no basis for holding that the respondent's services had been illegally terminated. Learned counsel further submits that the learned Labour Court erred in drawing an adverse inference against the petitioner merely on account of non-production of the domestic enquiry proceedings and non-examination of the Enquiry Officers.

7. This Court has heard the submissions of learned counsel for the petitioner and perused the record.

8. The principal issue before the learned Labour Court was whether the respondent had voluntarily abandoned his employment or whether his services had been terminated by the petitioner. The learned Labour Court, upon appreciation of the evidence, noted that the petitioner had not produced the attendance record to substantiate the alleged absence of the respondent. It was further noted that although the petitioner relied upon a domestic enquiry, the proceedings thereof were not produced on record and the Enquiry Officers were also not examined. Consequently, the learned Labour Court held that the petitioner had failed to establish voluntary abandonment of service.



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9. In G.T. Lad & Ors. v. Chemicals & Fibres of India Ltd.¹, the Supreme Court has held that abandonment of service is essentially a question of intention and that such intention cannot ordinarily be attributed to an employee without adequate evidence. The question whether there has been voluntary abandonment is required to be determined in the light of the surrounding circumstances.

10. In the present case, the finding returned by the learned Labour Court that the petitioner failed to establish abandonment is based on the evidence led before it. The petitioner has not been able to demonstrate that the said finding is perverse or that the learned Labour Court has either ignored material evidence or committed any jurisdictional error.

11. The aforesaid finding is essentially a finding of fact. It is trite that the jurisdiction of this Court under Articles 226 and 227 of the Constitution, while examining an award of the Labour Court, is supervisory and not appellate. This Court would not ordinarily re-appreciate the evidence or substitute its own view for a finding of fact returned by the Labour Court, unless the finding suffers from perversity, patent illegality or is unsupported by evidence. Reference in this regard may be made to Syed Yakoob v. K.S. Radhakrishnan².

12. Accordingly, no ground is made out for interference with the impugned Award. The present petition is, accordingly, dismissed along with the pending applications, if any.

13. The amount of Rs.75,000/-, as directed vide order dated

¹ (1979) 1 SCC 590

² AIR 1964 SC 477



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30.07.2018 to be deposited with the Registrar General of this Court, be released to the workman along with the interest accrued thereon, if any. In case the said amount has not been deposited, the petitioner shall pay the same to the workman along with interest accrued thereon, if any, within a period of four weeks from today.

(MANOJ KUMAR OHRI)
JUDGE

SEPTEMBER 15, 2026/KV

Signature Not Verified

Digitally Signed
By:NIJAMUDDIN ANSARI
Signing Date:29/09/2026
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