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

+ W.P.(C) 10428/2016

SOUTH DELHI MUNICIPAL CORPORATION Petitioner
Through: Mr. Ajay Digpaul, Adv.

versus

DY. LABOUR COMMISSIONER, DISTRICT SOUTH
LABOUR DEPARTMENT, GOVT. OF NATIONAL CAPITAL
TERRITORY OF DELHI & ANR Respondents
Through: Mr. S.K. Sethi and Ms. Dolly Sharma,
Advs. for R1.

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

% **ORDER**
08.11.2016

CM No.40914/2016

Allowed, subject to just exceptions.

W.P.(C) 10428/2016

1. The petitioner has challenged the notice dated 01st August, 2016 whereby the petitioner has been directed to deposit Rs.7,43,921/- in terms of the award of the Industrial Tribunal on the ground that the petitioner has already paid the said amount to the workers.
2. This Court is of the view that the petition is pre-mature. The petitioner is granted one week time to file the reply to the notice dated 01st August, 2016 before the Deputy Labour Commissioner (South) with advance copy to respondent No.2. Respondent No.2 is at liberty to file the rejoinder to the reply. The Deputy Labour Commissioner, South shall consider the reply of the petitioner and pass a reasoned order after hearing both the parties within a period of four weeks from the date of filing of the reply by the petitioner.

The copy of the order shall be communicated to the petitioner as well as respondent No.2.

3. The Deputy Labour Commissioner, (South) shall withhold any coercive action against the petitioner till the passing of the fresh order and for a period of two weeks thereafter to enable the petitioner to avail appropriate legal remedies in accordance with law.

4. The petition as well as CM No.40913/2016 are disposed of.

5. Copy of this order be given *dasti* to learned counsel for the petitioner as well as respondent No.1 under signature of Court Master.

6. Copy of this order be sent to respondent No.2.

J.R. MIDHA, J.

NOVEMBER 08, 2016

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