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

% Date of Decision: 07.11.2016

+ **W.P.(C) 10424/2016 & CM Nos. 40907-08/2016**

NORTH DELHI MUNICIPAL CORPORATION Petitioner
Through: Ms. Biji Rajesh and Mr. G. Kanth,
Advocates.

Versus

GEETA AND ANR Respondent
Through: Mr. Rahul Sharma and Mr. C.K.
Bhatt, Advocates for Respondent
No.2.

+ **W.P.(C) 10465/2016 & CM Nos. 41016-17/2016**

NORTH DELHI MUNICIPAL CORPORATION Petitioner
Through: Ms. Biji Rajesh and Mr. G. Kanth,
Advocates.

Versus

SHAKUNTALA AND ANR. Respondents
Through: Mr. Rahul Sharma and Mr. C.K.
Bhatt, Advocates for Respondent
No.2.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (oral)

CM Nos. 40908/2016 (in W.P.(C) No. 10424/2016) & 41017/2016 (in W.P.(C) No. 10465/2016) (both for exemption)

Allowed, subject to all just exceptions.

The applications are disposed off.

W.P.(C) 10424/2016 & CM No. 40907/2016 and W.P.(C) 10465/2016 & CM No. 41016/2016

1. These petitions have been filed challenging the recovery proceedings dated 01.02.2016 initiated by respondent No.2 pursuant to an Award having been passed on 01.05.2015 by the learned Labour Court in Industrial Dispute No. 156/2014.
2. Ms. Biji Rajesh, the learned counsel for the petitioner management submits that no monies are payable to the respondents through the recovery proceedings, as per the aforesaid Award dated 01.05.2015, hence, the same are mis-directed and vitiated. She submits that the Award itself only directs payment of such monies as may be due. Since the Award has not specified the exact amount, then the amounts cannot be computed under the recovery proceedings which are more in the nature of a cyclostyled letter being issued not only in the aforesaid cases but in many other cases too, where recovery proceedings arise out of the aforesaid Award.
3. Mr. Rahul Sharma, the learned counsel for respondent No.2 who appears on receipt of advance copy of the writ petition, submits that although vide the impugned Award, the petitioners were granted two month's time to file their computation apropos such monies, as may be payable to the workmen, they did not comply with the same. The recovery proceedings are a result of such amounts as were computed by respondent No.2.
4. Ms. Biji Rajesh further submits that in W.P.(C) No.9752/2016 titled 'North Delhi Municipal Corporation Vs. Ranbir & Anr.' and W.P.(C) No.9759/2016 titled 'North Delhi Municipal Corporation Vs. Kaushalya Devi & Anr.', the petitioner management has already deposited such monies

into the account of workmen as was payable to them and this Court has issued notices in those writ petitions. The petitioner seeks one last opportunity to furnish the requisite details and computation of amounts apropos its about 1900 workmen, who are affected by the aforesaid Award. She submits that, therefore, it would be appropriate that instead of individual Recovery Certificates being issued against the petitioner for each of the workmen, the petitioner be permitted to submit its computation to respondent No.2, who would examine the matter and payments would then be effected or recovery proceedings, if necessary could then be initiated.

5. In view of the above, let the petitioner file its computation apropos all the workmen within a period of four weeks before respondent No.2, who will decide the matter within ten weeks thereafter, after due notice to the parties.

6. In the interim, the recovery proceedings initiated by respondent No.2 shall be kept in abeyance.

7. The writ petitions and the pending applications are disposed off in the above terms.

8. The court has not expressed any opinion on the merits of the case.

9. A copy of this order be given *dasti* to the learned counsel for the parties.

NAJMI WAZIRI, J.

NOVEMBER 07, 2016

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