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

+ W.P.(C) 10798/2016 & CMs42268-69/2016

NORTH DELHI MUNICIPAL CORPORATION Petitioner
Through Ms.Eshita Baruah, Adv. for
Mr.Gaurang Kanth, Adv.
versus

ANI AND ANR Respondents
Through Mr. R.K. Pandit, Mr. A.K. Sharma,
Adv. for R-1.
Mr.Sharat Kapoor, Adv. for R-2

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

ORDER

% **24.11.2016**

1. Learned counsel for the petitioner submits that the similar writ petitions bearing W.P.(C) 10424 and 10465 of 2016 have been disposed of by this Court vide order dated 7th November, 2016 by remanding back the matter to the Deputy Labour Commissioner. Learned counsel for the petitioner submits that similar order may be passed in this writ petition as well.
2. Learned counsel for respondent no.1 has no objection to this matter being remanded back to respondent no.2 for reconciliation of the amount payable by the petitioner to respondent no.1.
3. In the facts and circumstances of this case, the impugned recovery certificate dated 1st February, 2016 is set aside and the matter is remanded back to the Deputy Labour Commissioner for reconciliation of the amount payable by the petitioner to respondent no.1. The petitioner shall file the computation along with supporting documents including muster rolls before the Deputy Labour Commissioner within a period of four weeks from today

with advance copy to respondent no.1 who shall file his response thereto along with the documents in support thereof within a period of three weeks thereafter. The Deputy Labour Commissioner shall thereafter afford a hearing to both the parties and pass a reasoned order determining the amount payable by the petitioner to respondent no.1. The copy of the order shall be furnished to the petitioner as well as respondent no.1. The petitioner shall deposit the amount so determined by respondent no.2 within a period of three weeks of the date of receipt of the order. In the event of the failure of the petitioner to deposit the amount to be determined by respondent no.2, respondent no.2 shall proceed to recover the same in accordance with law.

4. Learned counsel for the petitioner submits that the amount of Rs.11,000/- in terms of order dated 11th November, 2016 has not yet been deposited with the Registrar General of this Court. The petitioner is directed to make the payment of Rs.11,000/- to respondent no.1 by means of a cheque to respondent no.1 and the same be sent to respondent no.1 at the address given in the memo of parties within a period of three weeks from today, subject to final determination of the amount by respondent no.2.

5. The writ petition and the pending applications are disposed of in the above terms.

6. Needless to say that if the parties are not satisfied with the fresh determination of the amount by respondent no.2, they would be at liberty to avail appropriate legal remedies available to them in accordance with law.

7. Copy of this order be given *dasti* to counsel for the parties under the signature of the Court Master.

J.R. MIDHA, J.

NOVEMBER 24, 2016/dk