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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7702/2005 and CM No.17713/2014**

MCD Petitioner
Through: Mr.Sanjeev Sabharwal, Advocate

versus

RAJU Respondent
Through: Mr.Rajiv Aggarwal, Ms.Meghna De
and Mr.Sachin Kumar, Advocates

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **22.08.2017**

Time is sought on behalf of the petitioner to seek instructions qua the aspect of the proceedings dated 31.5.2016 to ascertain whether the petitioner was working as a substitute Safai Karamachari since 28.1.2016.

At this stage, Mr.Rajiv Aggarwal, learned counsel for the respondents submits that in terms of the impugned award dated 15.7.2002, the respondent has been reinstated with full back wages w.e.f. 17.3.1995, i.e., the date of termination of service. It is also submitted on behalf of the respondent whilst adverting to the Annexure R-1 annexed to the counter affidavit of the respondent which is the statement of claim on behalf of the workman/respondent arrayed to the present petition with specific reference to paragraph No.1 thereof which reads to the effect :

“that the workman Shri Raju joined into the

employment of the Municipal Corporation of Delhi w.e.f. 21.07.88 as a Safai Karamchari. He was being treated as a monthly paid/muster roll worker and was being paid wages as fixed and revised from time to time under the Minimum Wages Act by the appropriate Government. The wages were paid monthly and not daily. While his counter-parts doing the identical work and the work of the same value but being rerated as regular employees were being paid their salaries in proper pay scale and allowances with usual allowances admissible under the rules. They were also enjoying other benefits like E.L., C.L., Festival/Gazetted/Restricted Holidays and Medical Leave etc. which were completely to the workman aforesaid. He has unblemished and uninterrupted record of service to his credit. He has worked continuously from 22.7.88 to 17.03.95.”

It has also been submitted on behalf of the respondent that the written submissions of the MCD filed before the Labour Court in response to the said submissions in paragraph 1 of the Statement of Claim made on behalf of the workman, was to the effect that paragraph No.1 is correct to the extent that the workman was appointed in the MCD under the Minimum Wages Act.

It is further submitted on behalf of the respondent that there is no averment in the response of the respondent before the Labour Court to the effect that the respondent in the present petition was working as a substitute Safari Karamachari nor there is any such observation in the impugned award dated 15.7.2002 in ID No.88/99

and that taking into account the factum that the respondent has been reinstated with full back wages in terms of the impugned award dated 15.7.2002, nothing survives in the present petition, which submission is apparently correct as per the record.

As there is nothing that survives in the present petition, the petition and the accompanying applications are disposed of.

ANU MALHOTRA, J

AUGUST 22, 2017/sv