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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P.(C) 3897/2011 & CM No. 13612/2013 (for additional grounds)  
DTC ..... Petitioner

Through Mr.Sarfaraz Khan, Advocate  
versus

RAJ PAL SINGH ..... Respondent  
Through Mr. S.A.Rao and Mrs. Manoranjana,  
Advocates

**CORAM:**

**HON'BLE MR. JUSTICE CHANDER SHEKHAR**

**ORDER**

% **17.11.2017**

**CM No. 13612/2013 & CW No.3897/2011**

Learned counsel for the petitioner argued and submitted that vide order dated 10<sup>th</sup> July, 2009 passed by the Presiding Officer, Labour Court in ID no. 226/08, the Labour Court has wrongly raised the question as to how the third charge was enquired into, which was never communicated to the workman/respondent in the charge sheet. Learned counsel for the petitioner further submitted that the Labour Court without giving any explicit reasons, has held that the enquiry cannot be sustained in the eye of law. Learned counsel for the petitioner read the charge sheet dated 30<sup>th</sup> August, 1993, wherein the workman was charged with three charges and the same third charge was stated in the impugned enquiry report dated 30<sup>th</sup> July, 1993. On the query of this Court, learned counsel for the respondent submitted that this charge was already there and the matter may be remanded back for reconsideration including adducing of the evidence, if required by the Labour Court.

The Labour Court due to inadvertence seems to have wrongly stated that the third charge was not mentioned in the charge sheet dated 30<sup>th</sup> August, 1993, though it is already there, thus, in view of this flaw and infirmity in the order dated 10.7.2009 and the submissions of learned counsel for the parties, the order dated 10<sup>th</sup> July, 2009 and consequently the impugned order dated 1<sup>st</sup> April, 2010 are set aside/quashed and the matter is remanded back to the concerned Labour Court to proceed in the matter as per law and after giving a proper opportunity of being heard to the parties.

Labour Court record be sent back. Parties are directed to appear before the concerned Labour Court on 29<sup>th</sup> January, 2018 at 10.00 AM. Longer date is given on the request of the learned counsel for the parties. It is desirable that the matter may be disposed off by the Labour Court, preferably within six weeks from the date parties put in their appearance before it, i.e., 29.1.2018.

All the applications stand disposed of. Writ petition is also disposed of.

**CHANDER SHEKHAR, J**

**NOVEMBER 17, 2017/mw**