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

+ **W.P.(C) 9759/2016**

NORTH DELHI MUNICIPAL CORPORATION Petitioner

Through Ms. Biji Rajesh, Adv. for
Mr. Gaurang Kanth, Adv.

versus

KAUSHALYA DEVI & ANR. Respondents

Through Mr. Sachin Nahar, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **21.11.2017**

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. It is already recorded vide order dated 04.11.2016 that an amount of Rs.2,392/- has already been paid vide cheque bearing no. 001698 dated 26.10.2016 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. The writ petition and the pending applications are disposed of in the above terms.

5. 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.

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

CHANDER SHEKHAR, J

NOVEMBER 21, 2017

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