

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

*Date of Decision: May 05, 2017*

+ W.P.(C) 6448/2015

BIMLA DEVI

..... Petitioner

Through: Mr. Rajiv Aggarwal and Mr.  
Sachin Kumar, Advocates

versus

THE DY. LABOUR COMMISSIONER GOVT.OF NCT OF  
DELHI AND ANR.

.....Respondents

Through: Mr. Sanjoy Ghose, ASC (Civil)  
with Ms. Pratishtha Vij and Mr.  
Rhishabh Jetley, Advocates for  
respondent No.1  
Mr. Ram Kumar, Advocate for  
respondent No.2

**CORAM:**

**HON'BLE MR. JUSTICE SUNIL GAUR**

**JUDGMENT**  
**ORAL**

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**C.M.5192/2017 (delay)**

There is delay of 112 days in filing the accompanying reply affidavit by respondent-Corporation.

Upon hearing, I find that averments made in the instant application provide sufficient cause to condone the delay occasioned. The application is allowed and the delay stands condoned and the reply affidavit is taken on record.

The application is disposed of.

**W.P.(C) 6448/2015**

Petitioner in her complaint of 12<sup>th</sup> March, 2014 under Section 2 (ra) read with Section 25U of *The Industrial Disputes Act, 1947* seeks prosecution of respondent No.2-NDMC through its Commissioner (North) on account of failure to implement Award of 24<sup>th</sup> January, 2016 in I.D. No.36/2005 passed by Industrial Tribunal No.1, New Delhi (*hereinafter referred to as the Tribunal*).

In response to this petition, the concerned officer of respondent No.2 has filed an affidavit disclosing that there is discrepancy in petitioner's date of birth and so, the Award could not be implemented. Today, learned counsel for respondent No.2 has handed over copy of order of 3<sup>rd</sup> May, 2017 passed by the concerned officer of respondent No.2 disclosing that regularization of Muster Roll employees engaged upto 31<sup>st</sup> March, 2003 has been undertaken, but in view of existing regularization policy of respondent-Corporation, Muster Roll employees of 4<sup>th</sup> July, 2005, like petitioner, cannot be considered for regularization.

It is a matter of record that Award of 24<sup>th</sup> January, 2006 of which execution is sought was challenged by respondent-Corporation before this Court in W.P. (C) 19051/2006, which was disposed of with direction to respondent-Corporation to take necessary decision one way or the other, in respect of petitioner's claim for regularization. Since order has been already passed on 3<sup>rd</sup> May, 2017 on this aspect and copy of the said order has been handed over to learned counsel for petitioner, therefore, it is deemed appropriate to dispose of this petition while giving liberty to petitioner to seek remedy against order of 3<sup>rd</sup> May, 2017 passed by

respondent-Corporation in view of directions issued in earlier W.P. (C) 19051/2006.

In view of aforesaid, this petition is accordingly disposed of.

**(SUNIL GAUR)**  
**JUDGE**

**MAY 05, 2017**

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