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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 10778/2015, CM APPL. 27706/2015 & CM APPL.
39296/2016
NORTH DELHI MUNICIPAL CORPORATION Petitioner

Through Ms. Mini Pushkarna, Standing
Counsel with Ms. Anushrati, Ms.
Vasundhara Nayyar, Advs.

versus

HOSPITAL EMPLOYEES UNION Respondent
Through Ms. Meghna De, Mr. Sachin Kumar,
Advs.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **18.07.2017**

No counter affidavit has been filed on behalf of the respondent.

A perusal of the petition indicates that the prayer made by the petitioner seeks the setting aside of the impugned Award dated 19.08.2013 in I.D. No. 513/2010 of the POIT, Karkardooma Court, Delhi, whereby the management MCD i.e. now represented by the North Delhi Municipal Corporation in the present petition was directed to make payment of the uniform allowance to all the workmen represented by the Hospital Employees Union, Agarwal Bhawan, GT Road, Tis Hazari, Delhi, in the said proceedings before the POIT, Karkardooma Court, Delhi, who were working as ANMs in Hospitals, Maternity Homes, Dispensaries and Centre etc. under the control of the MCD with arrears w.e.f. 01.08.1997 @Rs.250/- p.m (revised from time to time as per rules) with a further direction that the specific order about arrears would be issued by MCD within three months of enforcement of the award.

It has been fairly stated on behalf of the petitioner and the respondent that the said impugned Award dated 19.08.2013 has already been implemented by the petitioner as per the Office Order No.175/DHA/NDMC/2016 dated 28.06.2016 issued by the Director of the Hospital Administration, North Delhi Municipal Corporation, New Delhi which categorically indicates that uniform allowance @Rs.3,000/- per year w.e.f. 01.08.1997 would be applicable to the ANMs working in the Health Department.

It has been submitted on behalf of the petitioner that w.e.f. 28.06.2016 the uniform allowance in terms of the impugned Award is being paid to the workmen in their salaries that have been paid from 218.06.2016 onwards. It has been further submitted on behalf of the petitioner that the arrears w.e.f. 01.08.1997 till 27.06.2016 are yet to be paid to the workmen and there have been instances where employees more than once have taken the benefits of the uniform allowance and reliance qua this aspect is placed on Recovery Order No. LWD/Council/HQ/NDMC/2015/1565 dated 07.01.2015 in relation to the workman Smt. Rajni Devi who at that time was granted an amount of Rs.1,97,591/- on account of recovery and was thereafter to be paid a sum of Rs.29,991/- and the said Smt. Rajni Devi was further paid Rs.68,500/- and that thus the petitioner is concerned that the amount due in terms of the impugned Award and as per the Office Order of the NDMC dated 28.06.2016 are not being disbursed fairly and it has thus been sought on behalf of the petitioner that the operation of the impugned Award qua payment of arrears of uniform allowances be stayed till all details are collected.

The said prayer is vehemently opposed on behalf of the respondent

submitting to the effect that the requisite prayer can be made by the petitioner before the Joint Labour Commissioner, NCT of Delhi, Pusa Complex, Delhi.

On a consideration of the rival submissions as it is apparent that there is nothing that survives in the present petition in view of the implementation of the impugned Award dated 19.08.2013 in I.D. No. 513/2010 of the POIT, Karkardooma Court, Delhi by the North Delhi Municipal Corporation by virtue of its Office Order No.175/DHA/NDMC/2016 dated 28.06.2016 issued by the Director of the Hospital Administration, North Delhi Municipal Corporation, New Delhi, it is not considered appropriate to stay the operation of the impugned Award dated 19.08.2013 in any manner whatsoever even in relation to the arrears of uniform allowance not distributed w.e.f. 01.08.1997 till 27.06.2016.

However, the Joint Labour Commissioner, NCT of Delhi, Pusa Complex, Delhi shall ensure that none of the workmen detailed in the list annexed as Annexure-P-12 are paid more than their due amounts in terms of the impugned Award dated 19.08.2013 and pursuant to the Office Order No.175/DHA/NDMC/2016 dated 28.06.2016 issued by the Director of the Hospital Administration, North Delhi Municipal Corporation, New Delhi.

Copy of this order be sent to Joint Labour Commissioner, NCT of Delhi, Pusa Complex, Delhi with a certified copy of Annexure-P-12 submitted by the petitioner.

The petition is disposed of accordingly. Thus no further orders are necessitated qua CM no. 27706/2015.

ANU MALHOTRA, J

JULY 18, 2017/mk