

\$~3

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

% *Date of Judgment: 04.05.2018*

+ **WP (C) 3904/2008**

RAM SINGH

..... Petitioner

Through: Mr. Shashi Shankar, Advocate with
Ms. Ekta Raghav and Mr. Subrat Tiwari,
Advocates.

versus

D.T.C.

..... Respondent

Through: Mr. U.N. Tiwary, Advocate

**CORAM:
HON'BLE MR. JUSTICE VINOD GOEL**

VINOD GOEL, J. (ORAL)

1. The petitioner has challenged the award dated 24.08.2007 in ID No.516/06 passed by the learned Presiding Officer, Labour Court-19, Karkardooma Courts, Delhi (in short 'Industrial Adjudicator').
2. Learned counsel for the petitioner submits that in fact the matter was listed on 10.08.2007 for addressing the final arguments, however, on that day the Industrial Adjudicator was on leave and the Reader of the court had given them the date as 12.09.2007. He submits that the next date was noted by both the

learned counsel for the parties. He submits that, on the record, the date is mentioned as 17.08.2007. He submits that wrong noting of date is evident from the act and conduct of the parties as on 17.08.2007 and on the next three dates being 21.08.2007, 22.08.2007 and 24.08.2007, neither of the parties and their respective counsel had appeared before the Industrial Adjudicator. This fact is also mentioned in the impugned award.

3. The learned counsel for the respondent submits that since he was not the counsel for the respondent before the Industrial Adjudicator, he has no instructions in this regard.
4. The parties never had opportunity to address the arguments before the Industrial Adjudicator who has rendered the award on 24.08.2007 without hearing them on issue no.2 and 3.
5. The contentions raised by the learned counsel for the petitioner are detailed in para No.21 and 22 and the ground 'B' of the writ petition which are not denied specifically by the Management/respondent in its counter affidavit.
6. In the circumstances, the impugned award dated 24.08.2007 passed by the learned Industrial Adjudicator is hereby set aside with the direction that the parties shall appear before the Industrial Adjudicator to address the arguments on issue no. 2 & 3 on 02.07.2018 and after hearing the parties, the Industrial Adjudicator shall pass the award on issue no. 2 and 3 in accordance with law as expeditiously as possible by 31.08.2018.
7. The petition is disposed of accordingly.

8. Trial court record be sent back immediately.

(VINOD GOEL)
JUDGE

MAY 04, 2018
"shailendra"

