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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 11353/2016
LAXMAN SINGH & ANR Petitioner
Through: Mr. Rajiv Aggarwal and Ms. Meghna De, Advs.
Versus

DY. CHIEF LABOUR COMMISSIONER & ORS ... Respondents
Through: Mr.Rakesh Kumar, CGSC for R1.
Mr. Anuj Aggarwal, ASC and Ms.Deboshree Mukherjee, Advs
for R2.
Dr. Ch.Shamsudin Khan, Advocate for R3.

CORAM:
HON'BLE MR. JUSTICE VINOD GOEL

ORDER
25.04.2018

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1. It is submitted by learned counsel for the petitioner that the petitioners No.1 and 2 have received the payment of Rs.9,22,293/- and Rs.12,48,227/- respectively from the Regional Labour Commissioner, Central New Delhi. He has handed over the copies of letters dated 02.04.2018 in this regard in the Court which are taken on record.
 2. Learned counsel for the respondent No.2 has handed over the status report issued by the Assistant Collector Gr.1 to this effect. Same is taken on record.
 3. Learned counsel for the petitioner submits that interest has not been received for delayed period in respect of the amount covered by Recovery Certificate dated 31.07.2015. He submits that in view of the payment received, the petition may be disposed of and the petitioners may be given liberty to claim the interest for delay in payment of the amount mentioned in the Recovery Certificate dated

31.07.2015.

4. The learned counsel for respondent No.3/Management submits that the SDM has recovered excess amount from them. He submits that SDM has also recovered Rs.12,41,820/- each for both the petitioners on 27.11.2014 pursuant to the order of this Court dated 31.10.2014 in WP(C) No.7119/2014 and the respondents No.1 and 2 are not ready to hear them and necessary directions may be issued in this regard.
5. Admittedly, on 23.09.2013, a Recovery Certificate to recover Rs.10,65,939/- was issued in favour of both the petitioners for the period from 24.07.2004 to 31.12.2012 pursuant to the Award dated 21.06.2004. On 31.10.2014, this Court in WP(C) No.7119/2014 has directed the respondent No.3 to pay the amount of the Recovery Certificate dated 23.09.2013 with interest @9% per annum for delayed payment. The learned counsel for petitioners pointed out that pursuant to order dated 31.10.2014, the SDM concerned issued a notice dated 20.11.2014 to respondent No.3 to pay Rs.10,65,939/- plus interest Rs.1,75,881/- amounting to a total of Rs.12,41,820/- each to both the petitioners which was paid. Copy of notice dated 20.11.2014 is on the record. It appears that the efforts are made by the respondent No.3 to complicate and confuse the issue as it is stated by learned counsel for respondent No.3/management that the excess payment of Rs.12,41,820/- for each of the petitioners has been recovered for them which is obviously wrong as this has been recovered pursuant to Recovery Certificate dated 23.09.2013.
6. In the circumstances, the petition along with pending application being CM APPL. 7330/2018 is disposed of with liberty to avail of

such remedy if available in law.

APRIL 25, 2018
“sandeep”

VINOD GOEL, J.