

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

Date of Order: December 06, 2018

+ **W.P.(C) 9836/2017 & CM APPL. 40039/2017**
+ **W.P.(C) 9839/2017 & CM APPL. 40049/2017**
+ **W.P.(C) 9840/2017 & CM APPL. 40051/2017**
+ **W.P.(C) 9841/2017 & CM APPL. 40053/2017**
+ **W.P.(C) 9842/2017 & CM APPL. 40055/2017**
+ **W.P.(C) 9843/2017 & CM APPL. 40058/2017**

DELHI TRANSPORT CORPORATION Petitioner
Through: Mr. U.N. Tiwary, Advocate

Versus

PERMOD KUMAR
MANMOHAN
RAVINDER KUMAR
INDERJEET SOLANKI
ASHOK KUMAR
DINESH YADAV

Through: Nemo

.....Respondents

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Respondents-Workmen's applications under Section 33-C(2) of *the Industrial Disputes Act, 1947* to claim arrear of wages have been allowed by the trial court while relying upon an order of the Central Administrative Tribunal, New Delhi (hereinafter referred to as 'CAT').

2. Learned counsel for petitioner submits that the order passed by the CAT is *sub judice* before a Division Bench of this Court and the order of CAT has been stayed. It is also stated that Supreme Court has also stayed the deposit of back-wages and the matter is *sub judice* and will take time.

3. Initially some counsel had appeared on behalf of respondents-Workmen, but as per last order, none had appeared on behalf of respondents-Workmen. Same is the position today.

4. Upon hearing and on perusal of impugned order and the material on record, I find that the impugned order directing payment of back-wages while relying upon the order of CAT cannot be sustained as the order of the CAT is *sub judice* before a Division Bench of this Court.

5. In the facts and circumstances of this case, impugned order is hereby set aside, with liberty to respondents-Workmen to file fresh application under Section 33-C(2) of *the Industrial Disputes Act, 1947*, after the orders are passed by the Division Bench as well as Supreme Court in the case of the parties.

6. With aforesaid directions, these petitions and the pending applications are accordingly disposed of.

(SUNIL GAUR)
JUDGE

DECEMBER 06, 2018

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