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

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Date of Decision: 29th March, 2019

+ W.P.(C) 3140/2019

VED RAM

..... Petitioner

Through: Ms. Meghna De, Ms. Sugandha
Kochhar, Ms. Nilam Tiwari and Mr.
Sachin Kumar, Advocates.

versus

NEW DELHI MUNICIPAL COUNCIL

..... Respondent

Through: Mr. Jagdeep Kumar Sharma, ASC
with Mr. Deepankar Sondhi,
Advocates.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGEMENT (ORAL)

CM No.14370/2019 & 14371/2019

Allowed, subject to just exceptions.

W.P.(C) 3140/2019

1. The petitioner was engaged by NDMC as a *Mali* on 01st January, 1987 and his services were regularised by the Council on 01st April, 1997. The petitioner was involved in a criminal case. However, he concealed the involvement in the criminal case in the attestation form and gave false information that no criminal case was pending against him. The pendency of the criminal case came to the notice of the Council whereupon the memos dated 23rd April, 1999 and 19th July, 1997 were issued to the petitioner. The services of the petitioner were terminated vide order dated 26th March, 1991.

2. The petitioner raised an industrial dispute to challenge his termination which was referred to the Labour Court. Vide award dated 12th October, 2006, the Labour Court dismissed the petitioner's claim holding that there was no illegality in the order dated 26th March, 2001. The petitioner challenged the award dated 12th October, 2006 before this Court which dismissed on 24th August, 2007.
3. The petitioner was convicted in the criminal case on 30th May, 2008. However, vide order dated 31st May, 2008, he was released on probation. The petitioner challenged the conviction before this Court which resulted in his acquittal on 14th November, 2014.
4. The petitioner approached the respondents for reinstatement and again raised an industrial dispute which was referred to the Labour Court.
5. The Labour Court vide award dated 29th May, 2013 held that the earlier award dated 12th October, 2006 had attained finality and the subsequent reference was bad in law.
6. The petitioner has challenged the award dated 29th May, 2013 after almost 6 years. The petitioner has sought to explain the aforesaid delay on the ground of extreme poverty.
7. This Court is not satisfied with the explanation given by the petitioner for delay of almost 6 years. Even on merits, this Court does not find any infirmity in the impugned award.
8. The writ petition is dismissed on the ground of delay and laches as well as on merits.

J.R. MIDHA, J.

MARCH 29, 2019/ak