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

\+ **W.P.(C) 6548/2013**

JOGRAJ & OTHERS ..... Petitioner

Through: Mr Rajneesh Bhaskar, Advocate.

versus

UNION OF INDIA & OTHERS ..... Respondents

Through: Mr Jasmeet Singh, CGSC with Mr Saurabh Tiwari, Advocate for R1, R2 and R5. Mr Sanjoy Ghose, Advocate with Mr Babu Ram, Ms Urvi Mohan, Advocates for R4/NCT of Delhi.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

% **15.05.2019**

1. The petitioners have filed the present petition, *inter alia*, impugning an order passed by respondent no.4 (National Textiles Corporation Ltd. – hereafter 'NTC') rejecting the claim of the petitioners for compensation under the Textile Workers' Rehabilitation Fund Scheme (TWRFS).

2. The petitioners claim that they were workers of Ajudhia Textile Mills, Azadpur, Delhi, which was closed down on 06.09.1996 under Section 25-O of the Industrial Disputes Act, 1947. Petitioner no.1 claims that on 15.09.1996 the Government of India introduced a Scheme, namely, Textile Workers' Rehabilitation Fund Scheme with retrospective effect from 15.09.1986 for the sole purpose to provide rehabilitation to all the displaced workers of closed textile mills. The petitioners state that all the displaced

workers of Ajudhia Textile Mills, Azadpur, Delhi, were compensated under the said scheme on or around 16.06.1997. It is stated that at the material time, the textile workers were entitled to compensation at the rate of ₹3500/- per month in terms of the said scheme. However, the petitioners claim that notwithstanding their entitlement, the workers were not paid compensation at the said rate but at the rate of ₹2000/- per month.

3. Admittedly, the petitioners did not object or raise any concern at the material time. They accepted the payment made to them without any protest or reservation. Subsequently, sometime in the year 2011, petitioner no.1 filed a writ petition being W.P. (C) No. 6731/2011, *inter alia*, claiming that he had not received compensation at the rate of ₹3500/- per month. The said writ petition was disposed of by this Court by an order dated 23.07.2012, directing the respondents to consider the petition as his representation and dispose of the same as expeditiously as possible and, in any event, within a period of four months from the said date.

4. In compliance with the aforesaid order passed by this Court, NTC has passed the order, which is impugned in the present petition.

5. It is clearly stated in the said order that the scheme referred to by the petitioners, that is, "Textiles Workers Rehabilitation Fund Scheme" is applicable only to textile units of private sector undertakings. It is pointed out that in the present case, Ajudhia Textile Mills, Azadpur, Delhi, had been nationalized and was owned and managed by NTC, which is a Public Sector Undertaking. In view of the above, the claims made by the petitioners for payment of compensation under the said scheme were not sustainable. In addition to the above, NTC also held that the claims raised by the petitioners were time barred and had been raised at a much belated stage. It was also

noticed that the petitioner had received all compensation payable at the material time without any protest.

6. It is seen that NTC had also considered the issue regarding compensation for mill staff quarters, however, the learned counsel appearing for the petitioners fairly states that the said issue is not being pursued by the petitioners.

7. It is seen that NTC has relied upon the Consolidated Guidelines for Payment of Relief Under the Textile Workers' Rehabilitation Fund Scheme dated 10.06.2003. The opening paragraph of the said Guidelines clearly states that "*this Scheme is not applicable to the State/Central Government Public Sector Undertakings and textile units in the co-operate fold of the State/Central Govt.*". A copy of the Scheme in question has not been filed on record by either of the parties. However, the Guidelines as referred to by NTC in the impugned order are also not disputed. In view of the above, this Court is unable to find any fault in the decision to reject the petitioners' claim.

8. The petitioners have founded their claim on the answers given by the Minister of Textiles to certain questions in the Parliament on 10.03.2008. In response to the questions to the effect whether the Union Government was implementing the same and if so, the details thereof and the eligibility criteria for the same; the Minister of Textiles had, *inter alia*, responded that *"assistance under the Scheme is payable to eligible workers only for the purpose of enabling them to settle in another employment… To avail the relied under this Scheme, any worker is eligible provided he/she has been engaged in a closed textile unit on the date of the closure continuously for a five years or mote and earning a wage equivalent of Rs. 2500 per month or*

less for the mills closed between 06.06.1985 to 01.04.1993 and Rs. 3500 or less thereafter."

9. This court is unable to accept that the petitioners can base their claim only on a statement made in the Parliament, without reference to the Scheme. It is also apparent that the answers given in the Parliament, which are relied upon by the petitioners, are not exhaustive.

10. In addition, NTC's decision that the claims made by the petitioner are barred by limitation and are highly belated also cannot be faulted. Concededly, the compensation payable to the petitioners was paid on or about 16.06.1997. None of the petitioners had made any claim for almost fifteen years after receipt of compensation. Interestingly, the initial petition, W.P. (C) No. 6731/2011, was filed only by petitioner no.1 and not by any of the other petitioners. None of the other petitioners had made any claim prior to that date. As stated above, the respondents were directed to consider the said petition as a representation and the petition was disposed of 23.07.2012. It is after the said date that the other petitioners also made a representation to NTC. The present petition has been filed by a number of petitioners (166 in number). Admittedly, none of the said petitioners had raised any grievance regarding the compensation paid to them prior to making a representation to NTPC.

11. It is also important to note that although it is stated that the petitioners were paid compensation at the rate of ₹2000/- per month under the said scheme, there is no material on record to establish the same. The receipts placed on record do not indicate that any payment was made under the Scheme. On the contrary, the said receipts indicate that compensation was paid to the petitioners under various heads, including gratuity. Thus, there is

no material whatsoever to indicate that the petitioners are entitled to any compensation under the said Scheme.

12. In view of the above, the present petition is unmerited and is, accordingly, dismissed.

VIBHU BAKHRU, J

MAY 15, 2019

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