

\$~51 - 61

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

%

Date of Decision: 31st July, 2019

+ W.P.(C) 5106/2017 & CM Appls. 21844/2017, 40941/2017

51 NORTH DELHI MUNICIPAL CORPORATION Petitioner
Through: Ms.Biji Rajesh and Mr.Gaurang
Kanth, Advocates
versus
PHOOL SINGH AND ORS Respondents
Through: Ms.Sugandh Kochhar, Advocate for
Mr.Rajiv Agarwal, Advocate for
respondents

+ W.P.(C) 5108/2017 & CM Appls. 21848/2017, 40944/2017

52 NORTH DELHI MUNICIPAL CORPORATION Petitioner
Through: Ms.Biji Rajesh and Mr.Gaurang
Kanth, Advocates
versus
DEVENDER KUMAR AND ORS Respondents
Through: Ms.Sugandh Kochhar, Advocate for
Mr.Rajiv Agarwal, Advocate for
respondents

+ W.P.(C) 5114/2017 & CM Appls. 21856/2017, 40822/2017

53 NORTH DELHI MUNICIPAL CORPORATION Petitioner
Through: Ms.Biji Rajesh and Mr.Gaurang
Kanth, Advocates
versus
KARAMVIR AND ORS Respondents
Through: Ms.Sugandh Kochhar, Advocate for
Mr.Rajiv Agarwal, Advocate for
respondents

+ W.P.(C) 5143/2017 & CM Appls. 21925/2017, 40824/2017

54 NORTH DELHI MUNICIPAL CORPORATION Petitioner
Through: Ms.Biji Rajesh and Mr.Gaurang
Kanth, Advocates
versus
DIWAN AND ORS Respondents
Through: Ms.Sugandh Kochhar, Advocate for
Mr.Rajiv Agarwal, Advocate for
respondents

+ W.P.(C) 5153/2017 & CM Appls. 21998/2017, 40823/2017

55 NORTH DELHI MUNICIPAL CORPORATION Petitioner
Through: Ms.Biji Rajesh and Mr.Gaurang
Kanth, Advocates
versus
BALBIR SINGH AND ORS Respondents
Through: Ms.Sugandh Kochhar, Advocate for
Mr.Rajiv Agarwal, Advocate for
respondents

+ W.P.(C) 5156/2017 & CM Appls. 22014/2017, 40821/2017

56 NORTH DLEHI MUNICIPAL CORPORATION Petitioner
Through: Ms.Biji Rajesh and Mr.Gaurang
Kanth, Advocates
versus
BALWAN SINGH & ORS. Respondents
Through: Ms.Sugandh Kochhar, Advocate for
Mr.Rajiv Agarwal, Advocate for
respondents

+ W.P.(C) 5282/2017 & CM Appl. 22391/2017

57 NORTH DELHI MUNICIPAL CORPORATION Petitioner
Through: Ms.Biji Rajesh and Mr.Gaurang
Kanth, Advocates

- versus
- SURENDER AND ANR Respondents
Through: Ms.Sugandh Kochhar, Advocate for
Mr.Rajiv Agarwal, Advocate for
respondents
- + W.P.(C) 5289/2017 & CM Appl. 22408/2017
- 58** NORTH DELHI MUNICIPAL CORPORATION Petitioner
Through: Ms.Biji Rajesh and Mr.Gaurang
Kanth, Advocates
- versus
- MATHEN SINGH & ORS Respondents
Through: Ms.Sugandh Kochhar, Advocate for
Mr.Rajiv Agarwal, Advocate for
respondents
- + W.P.(C) 5290/2017
- 59** NORTH DELHI MUNICIPAL CORPORATION Petitioner
Through: Ms.Biji Rajesh and Mr.Gaurang
Kanth, Advocates
- versus
- JAGPAL SINGH Respondent
Through: Ms.Sugandh Kochhar, Advocate for
Mr.Rajiv Agarwal, Advocate for
respondent
- + W.P.(C) 5582/2017 & CM Appl. 23412/2017
- 60** NORTH DELHI MUNICIPAL CORPORATION Petitioner
Through: Ms.Biji Rajesh and Mr.Gaurang
Kanth, Advocates
- versus
- SUNIL DATT & ORS Respondents
Through: Ms.Sugandh Kochhar, Advocate for
Mr.Rajiv Agarwal, Advocate for
respondents

+ W.P.(C) 5739/2017 & CM Appl. 23904/2017

61 NORTH DELHI MUNICIPAL CORPORATION Petitioner
Through: Ms.Biji Rajesh and Mr.Gaurang
Kanth, Advocates
versus
KAPTAN SINGH AND ORS Respondents
Through: Ms.Sugandh Kochhar, Advocate for
Mr.Rajiv Agarwal, Advocate for
respondents

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The petitioners have challenged the recovery certificates issued by the Deputy Labour Commissioner for the implementation of the order dated 25th September, 2014 and 17th October, 2014 passed by this Court in W.P.(C) 5034/2011.
2. Learned counsel for the petitioners submits that vide judgment dated 22nd February, 2019 in L.P.A. 109/2017 titled *North Delhi Municipal Corporation v. Workmen Working as Malies in Horticulture Dept. MCD*, the Division Bench of this Court has set aside the judgment dated 25th September, 2014 passed by the learned Single Judge in W.P.(C) 5034/2011. The Division Bench has further held that no recovery would be made from the workmen who are working in the hospital. Relevant portion of the judgment dated 22nd February, 2019 is reproduced hereunder:

“15. For the reasons stated above, we set aside the order dated 25.09.2014 passed by learned Single Judge allowing the appeal in terms of the conclusion rendered by the Tribunal. No cost.

16. As fairly agreed, we make it clear that no recovery would be made from those workmen, who are actually working in the hospitals. However, concession will not be applicable to those, who are not working in the hospital but are working as Malis in other places.”

3. Learned counsel for the petitioners submit that the writ petitions be allowed in view of the judgment of the Division Bench dated 22nd February, 2019 in L.P.A. 109/2017. Learned counsel for the petitioners further submits that none of the respondents in these petitions were working in the hospital.

4. The writ petitions are allowed and the impugned recovery certificates are set aside. Pending applications are also disposed of.

5. Copy of this judgment be given *dasti* to counsel for the parties under signatures of the Court Master.

JULY 31, 2019
ds

J.R. MIDHA, J.

भारतमेव जयते