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

+ W.P.(C) 10303/2017 & CM APPLN. 42043/2017

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

versus

DAVINDER KUMAR Respondent
Through:

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

% **ORDER**
19.03.2019

1. Learned counsel for the petitioner submits that in similar matters bearing W.P.(C) 9836/2017, 9839/2017, 9840/2017, 9841/2017, 9842/2017 and 9843/2017, this Court has set aside the impugned order with liberty to the respondents to file a fresh application under Section 33-C(2) of the Industrial Disputes Act, 1947 after the decision of the writ petitions pending before the Division Bench. The order dated 06th December, 2018 passed in the aforesaid writ petitions is reproduced hereunder:

“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 backwages 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.”

2. The writ petition is allowed and the impugned order is set aside with liberty to the respondent to file a fresh application under Section 33-C(2) of the Industrial Disputes Act after the decision of the writ petitions pending before the Division Bench against the order passed by the Central Administrative Tribunal.

3. The pending application is disposed of.

4. Copy of this order be sent to the respondent.

5. Copy of this order be given *dasti* to counsel for the petitioner under the signature of the Court Master.

J.R. MIDHA, J.

MARCH 19, 2019

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