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

+ W.P.(C) 915/2020 & CM No.2913/2020

CHIRANJI LAL ARYA Petitioner

Through: Mr. Sarfaraz Khan, Adv.

versus

FDS MANAGEMENT SERVICE PVT. LTD. Respondent

Through: None.

+ W.P.(C) 923/2020 & CM No.2930/2020

RAJAN Petitioner

Through: Mr. Sarfaraz Khan, Adv.

versus

FDS MANAGEMENT SERVICE PVT. LTD. Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **24.01.2020**

1. The present writ petitions filed by the workmen seek to assail a common Award dated 15.12.2015 passed by the Labour Court-XVII, Karkardooma Courts, in DID No.2/2015. Under the impugned Award, the learned Labour Court has, after allowing the petitioners' claim that their services were illegally terminated in contravention of the provisions of Section 25F of the Industrial Disputes Act, 1947, directed that they be paid lump sum compensation of Rs.40,000/- and Rs.75,000/- respectively. While arriving at its decision, the Labour

Court took into consideration not only the last drawn wages but also the periods of service rendered by the petitioners through a contractor while serving at the post of '*Safai Karamchari*'.

2. It transpires that the present writ petition has been filed after an inordinate delay of four years, from the date of the impugned award. When questioned on this delay, learned counsel for the petitioner was unable to provide any cause for failing to approach this Court within a reasonable time, barring his explanation that the present petition could only be filed after the petitioner had received the awarded amount under the execution proceedings instituted by them.

3. In my view, once the petitioners had themselves chosen to seek implementation of the impugned award by way of execution proceedings and have admittedly received the benefits flowing therefrom, they cannot be permitted to now reverse their stand and contend that the award is suffering from any infirmity. Once the petitioners have unconditionally reaped the benefits of the impugned award, and that too pursuant to proceedings initiated at their behest, they are estopped from assailing the same. If writ petitions of this nature were to be entertained, it would encourage endless litigations by persons who, despite unconditionally drawing benefits of the Award, then seek to challenge the very same award. I am of the opinion that permitting such persons who have, already by their conduct, acquiesced to the Award to subsequently challenge the very same Award would not be in the interest of justice and cannot be permitted.

4. It is, however, made clear that in case the petitioners have not

received the interest amount, as awarded by the Labour Court, it will be open for them to institute appropriate proceedings to raise such a claim. The dismissal of these writ petitions will not stand in the way of their right to claim interest rightfully accruing to them under the impugned Award.

5. The writ petitions, along with pending applications, are disposed of accordingly.

REKHA PALLI, J.

JANUARY 24, 2020

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