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

Date of Decision: 24th November, 2021

+ **W.P.(C) 9639/2021 & CM APPLs. 29785/2021 & 29786/2021**

NEW DELHI MUNICIPAL COUNCIL Petitioner
Through: Ms. Sakshi Popli, Advocate.
versus

SMT. SANJOGITA Respondent
Through: None.

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done in physical Court. Hybrid mode is permitted in cases where permission is being sought from the Court.
2. The present petition challenges the impugned Award dated 25th February, 2019 passed by the Labour Court in **LIR No.625/2016** titled “**Smt. Sanjogita v. M/s. New Delhi Municipal Council**”. By the impugned Award, a lump sum compensation of Rs.3 lakhs has been awarded to the Respondent/Workman (*hereinafter* “*Workman*”), in lieu of reinstatement with back wages.
3. Vide order dated 6th September, 2021, this Court had noticed that the present petition has been filed after a considerable delay of more than two years. Accordingly, an affidavit was directed to be filed by the Petitioner/NDMC to explain the delay. The NDMC was also directed to file a proper list of dates and events. The said affidavit has now been filed.
4. A perusal of the list of dates and events in the said affidavit, along with the accompanying correspondence, clearly shows that there has been



lapse on behalf of at least two officials concerned, in filing of the writ petition in a timely manner. A Memo was issued against one of those officials, namely Sh. Rakesh Kumar, to explain the reason for the delay in the implementation of the impugned Award. The said official, in his reply to the Memorandum, has stated that he had attempted to contact Sh. Dharmender, ASI (HQ) immediately. However, no action was taken towards the implementation of the impugned Award or towards the filing of the present writ petition.

5. Apart from the delay, the Court has also examined the merits of the matter. The Workman was employed as a *safai karamchari* with the Petitioner/NDMC for several days over a period of 6 to 7 years from 1993 to 1999. She was finally terminated by the NDMC, and the said termination was then challenged before the Labour Court. The Labour Court has, vide the impugned Award dated 25th February, 2019, upheld the claim of the Workman. However, considering the totality of the facts, a lump sum of Rs.3 lakhs has been awarded in lieu of reinstatement in service with back wages. The Labour Court's finding is that the services of Workman were unjustifiably discontinued by the Management.

6. The stand of the NDMC is that the Workman was a temporary muster roll employee. However, this Court is of the opinion that even if the Workman was a temporary muster roll employee, she could have been considered for regularization, considering that she had worked for a substantial number of days in between the years 1993 to 1999. The same as is evident from the following statement placed on record:

“Subject: Verification of TM/R service meant for placing on Regular Muster Roll.



Sir,

*With due respect and humble submission
I hitherto have to state that I have worked as
SAFAIKARAMCHARI on TMR for 918 days
as per detail given as under:-*

<i>CIRCLE</i>	<i>PERIOD</i>	<i>DAYS</i>	<i>DOCUMENT</i>
<i>C-III</i>	<i>14-10-93 to 7-6-94</i>	<i>194</i>	<i>Annexure -1</i>
<i>C-III</i>	<i>1-12-94 to 12-4-95</i>	<i>126</i>	<i>Annexure -2</i>
<i>C-I</i>	<i>11-8-95 to 30-11-95</i>	<i>81</i>	<i>Annexure-3</i>
<i>C-I</i>	<i>16-4-96 to 31-12-96</i>	<i>216</i>	<i>Annexure-4</i>
<i>C-X</i>	<i>1-8-97 to 31-12-97</i>	<i>121</i>	<i>Annexure-5</i>
<i>C-X</i>	<i>2-2-99 to 1-7-99</i>	<i>180</i>	<i>Annexure-6</i>

TOTAL : 918 days”

7. In the facts and circumstances of this case, the Labour Court has rightly awarded a lump sum compensation of Rs.3 lakhs, and the same is completely justified. Thus, the impugned Award dated 25th February, 2019 does not warrant any interference.

8. The present writ petition is dismissed, both on the issue of delay as also on merits. Let the awarded amount of Rs.3 lakhs be paid to the Workman, within eight weeks.

**PRATHIBA M. SINGH
JUDGE**

NOVEMBER 24, 2021/dk/Ad