

\$~20 (2021)

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

% Date of decision: 23.09.2021

+ **LPA 341/2021**

SH. SURENDER KUMAR Appellant
Through: Ms. Meghna De, Advocate.

Versus

NORTH DELHI MUNICIPAL CORPORATION Respondent
Through: Ms. Namrata Mukim, Standing
Counsel with Ms. Garima Jindal, Advocate.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

[Court hearing convened *via* video-conferencing on account of COVID-19]

RAJIV SHAKDHER , J. (ORAL):

CM APPL. 33281/2021

1. Allowed, subject to just exceptions.

LPA 341/2021 and CM APPL. 33280/2021 [*Application filed on behalf of the appellant for interim relief*]

2. This appeal is directed against an interlocutory order dated 03.09.2021, passed by the learned single Judge in the application filed by the appellant/workman, under Section 17-B of the Industrial Disputes Act, 1947 [in short, “the Act”].

3. Ms. Meghna De, who appears on behalf of the appellant/workman, says that, the appellant/workman is aggrieved by the fact that, his

application under Section 17-B of the Act has not been decided, although, notice in the application was issued, as far back on 03.12.2020.

4. A perusal of the impugned order dated 03.09.2021 shows that, the application i.e., CM Appl. 31264/2020, preferred by the appellant/workman, under Section 17-B of the Act has not been disposed of, as yet.

4.1. The aforesaid application is listed for hearing, on 26.10.2021.

4.2. We may also note that, having regard to the difficulties faced by the appellant/workman and his need for financial support, in view of the marriage of his daughter, the learned single judge has directed release of Rs. 2,50,000/-, out of the amount deposited with the Registry of this Court by the respondent/NDMC.

5. Given this position, we have no doubt that, the learned single Judge will dispose of the application, on the date fixed i.e., 26.10.2021.

6. We may also note that, the respondent/NDMC has not filed a reply to the aforementioned application preferred under Section 17-B of the Act, up until now.

6.1. Our attention, in this context, has been drawn by Ms. De, to the order of the learned single Judge, dated 03.08.2021, whereby two weeks were granted to the respondent/NDMC, to file a reply.

6.2. It was also made clear in the order dated 03.08.2021, by the learned single Judge, that, if the reply is not filed within two weeks from the date of the said order, the right of respondent/NDMC to file a reply shall stand closed.

6.3. These are aspects which the learned single Judge will surely take into account, when the aforementioned application is heard.

7. The appeal, and the pending application are, accordingly, disposed of,

in the aforesaid terms.

RAJIV SHAKDHER, J

TALWANT SINGH, J

SEPTEMBER 23, 2021/tr

Click here to check corrigendum, if any

