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

% Judgment delivered on: 09.11.2022

+ **W.P.(C) 7735/2020 & CM APPL. 25513/2020**

NORTH DELHI MUNICIPAL CORPORATION Petitioner

versus

SUSHMA KUMARI AND OTHERS Respondent

Advocates who appeared in this case:

For the Petitioners: Ms. Namrata Mukim, Advocate (through VC)

For the Respondent: Mr. Padma Kumar S and Ms. Thithiksha Padmam,
Advocates for R-1 to 44 and 46 to 95

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 04.12.2019 whereby the Tribunal has allowed the Original Application filed by the respondents and directed the petitioner to grant the same relief to the respondents as granted to similarly situated Staff Nurses working in ESIC including arrears of pay and allowances with up-to-date interest at GPF rate. Petitioner was also directed to fix the responsibility as to

why the instructions were not implemented.

2. Learned counsel for the petitioner submits that the petitioner-Corporation is facing an acute financial crunch and as such the amount could not be disbursed. She under instructions submits that the arrears of pay and allowances shall be disbursed to each of the respondents within a maximum period of six months from today. She submits that in view of the financial crunch the interest component be waived off.

3. Learned counsel for the respondents fairly states that though in the Original Application, there were 96 petitioners, in fact, the petitioner no. 13 who is also respondent no. 13 was erroneously shown twice as petitioner no. 40 before the Tribunal as well.

4. Learned counsel for the petitioner submits that noticing the said error, said petitioner has been only arrayed as respondent no. 13 herein and as such there are 95 respondents.

5. Learned counsel for the respondents further submits that in case the petitioner comply with the directions of the Tribunal and pay the arrears and allowances as proposed today, he shall not press for the interest component. He submits that this statement has been made in view of the fact that Corporation is genuinely facing financial crunch.

6. In view of the above, the petition is disposed of directing the petitioner to pay the arrears and allowances as directed by the Tribunal to each of the respondents within a maximum period of six months.

7. It is clarified that in case the arrears are paid within six months from today, petitioner shall not be liable to pay any interest, however, in case there is any delay or default in payment of the amount, interest shall be payable on the balance amount from the dates said amount had become due and payable to the respondents at the GPF rates.

8. Further in view of the explanation given by the petitioner in the petition and also the fact that the petitioner had decided to implement the recommendations vide OM dated 28.09.2018, the direction of the Tribunal to fix the responsibility is set aside.

9. Petition is disposed of in the above terms.

SANJEEV SACHDEVA, J

TUSHAR RAO GEDELA, J

NOVEMBER 9, 2022

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