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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 2675/2024, CM APPL. 10928/2024 & CM APPL.
10929/2024

MUNICIPAL CORPORATION OF DELHI Petitioner
Through: Ms. Sriparna Chatterjee, Standing
Counsel for MCD with Mr. Soumitra
Chatteerjee, Mr. Manish and Sanjay
Chauhan AO/DEMS/KPZ.

versus

GUDDI Respondent
Through: Ms. Meghna De and Ms. L. Gangmei,
Advocates.

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **16.05.2024**

1. The instant petition has been filed under Articles 226/227 of the Constitution of India against the impugned award dated 15th May, 2023 passed by the learned Presiding Officer, Industrial Tribunal-I, Rouse Avenue District Courts, New Delhi in case bearing POIT No. 37/2017.
2. Vide the impugned award, the learned Presiding Officer adjudicated the industrial dispute in favour of the respondent workman holding that the respondent is entitled for regularization in services w.e.f. 1st April, 2003 in regular pay scale with all the consequential benefits. Respondent was also held entitled for gratuity, family pension and all the other retirement benefits as well as the arrears with an interest @ 8% w.e.f. 1st April, 2003.
3. Ms. Sriparna Chatterjee, learned counsel appearing on behalf of the petitioner submitted that the impugned award was passed without considering the evidence as well as the other documents on the record and the same is in contravention to the law settled by the Hon'ble Supreme



Court as well as this Court *qua* the principle of regularization of services.

4. It is also submitted that the learned Presiding Officer has failed to appreciate the evidence and depositions of the officers of the MCD in a proper manner. It is further submitted that the learned Presiding Officer has erroneously awarded to regularize the deceased respondent workman with all the consequential benefits.

5. At this juncture, learned counsel appearing on behalf of the respondent submitted that the amount due towards the respondent workman, in terms of the impugned award, already stands recovered from the petitioner MCD and nothing is left for further adjudication in the instant petition.

6. With regard to the above submission made on behalf of the respondent workman, learned counsel appearing on behalf of the petitioner does not contradict the fact that the amount of Rs.6,36,277/- already stands debited from the account of the MCD and credited to the account of the respondent. However, learned counsel for the petitioner submits that the respondent may be directed not to proceed for any recovery.

7. Learned counsel for the petitioner further submitted that in view of the above facts and circumstances and in terms of the statement given by the learned counsel for the respondent at Bar, she does not wish to press the instant petition further on merits and accordingly, prayed for disposal of the same. However, she prayed that the said order be not treated as any precedent.

8. At this juncture, learned counsel appearing on behalf of the respondent, on instructions, undertakes that no further proceedings for recovery is required as the entire amount in terms of the impugned award



stands paid to the respondent.

9. Heard the learned counsel appearing on behalf of the parties and perused the impugned award.

10. It is an admitted fact on the part of both the parties that the money due to the respondent workman already stands recovered from the MCD. Further, during the course of arguments, the learned counsel appearing on behalf of the petitioner prayed that in view of the statement given on behalf of the respondent, the instant petition may be disposed of, however, the respondent may be directed to not proceed for any recovery proceedings.

11. In view of the above, the learned counsel for the respondent undertakes, on instructions, that no further proceedings for recovery is required since the entire amount in terms of the impugned award stands paid to the respondent.

12. Taking into consideration the admitted fact that the amount due to the respondent workman already stands paid and the prayer made on behalf of the petitioner that the instant petition may be disposed of in light of the undertaking given on behalf of the respondent, this Court is of the view that nothing is left for further adjudication.

13. In light of the foregoing paragraphs, the parties are directed to comply with their undertaking given before this Court. It is made clear that the instant order shall not be treated as a precedent.

14. Accordingly, the instant petition along with pending applications, if any, stands disposed of.

CHANDRA DHARI SINGH, J

MAY 16, 2024

rk/ryp

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