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

+ **W.P.(C) 3817/2023 & CM APPL. 14856/2023**

MUNICIPAL CORPORATION OF DELHI

..... Petitioner

Through: Mr.Sanjeev Sagar, Standing Counsel
for MCD with Ms.Nazia Parveen,
Mr.Rishabh Malik, Ms.Bhavi,
Mr.Avinash Kumar, Mr.Ujjaw Gaur,
Mr.Gauravdeep Bhardwaj,
Ms.Priyanka Gupta and Mr.Sachin
Bhati, Advocates

versus

SMT KAMLA DEVI

..... Respondent

Through: Mr.Rajiv Agarwal, Ms.Meghna De,
Ms.L. Gangmei and Ms.Ekta Tomar,
Advocates

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

08.05.2024

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1. The instant writ petition under Articles 226 and 227 of the Constitution of India has been filed on behalf of petitioner seeking the following reliefs:-

- "a) Quash the order of attachment and Recovery Certificate dated 16.03.2023 issued by Assistant Collector Grade -I/ SDM (Karol Bagh) Government of NCT of Delhi, New Delhi pursuant to the recovery certificate No. ALC –III/36/404/2021 dated 28.12.2022 under the Delhi Land Reforms Act*
- b) Quash the recovery certificate No. ALC–III/36/404/2021 dated 28.12.2022 under the Delhi Land Reforms Act;*
- c) Quash the Order dated 6/10/2022 issues by Controlling*



Authority, Assistant Labour Commissioner, Government of NCT of Delhi, New Delhi.;

d) Call for the records of the case;

e) To pass any other or further order/s, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. After some length of arguments, learned Standing Counsel appearing on behalf of petitioner-MCD, on instructions submitted that the gratuity of the respondent-workman was calculated @ Rs.2,900/- as basic pay plus DA @ 43% amounting to Rs.1,247/-, thus, totaling to Rs.4,147/- x 12 x 30=Rs.57,420/-. It is submitted that the petitioner has already paid Rs.49,754/- to the respondent in the year 2019 and only balance amount of Rs.7,656/- alongwith the accrued interest as on date is due to be paid.

3. It is further submitted that in compliance with the order dated 11th October, 2024, a sum of Rs.20,000/- towards the litigation expenses has already been paid to the respondent-workman on 15th October, 2023. Hence, without entering into the merits of the case, it is prayed that this Court may grant a lumpsum amount to the respondent considering the foregoing averments.

4. *Per contra*, Mr.Aggarwal, learned counsel appearing on behalf of the respondent vehemently opposed the instant writ petition on merits, however, he strongly contradicted the factum *qua* the amount to be paid to the respondent-workman submitting to the effect that as per the order passed by the learned Controlling Authority, the amount due to be paid is Rs.18,581/- alongwith 10% interest. Also, contrary to the stance taken by the petitioner, it is submitted by learned counsel for the respondent that the interest may be calculated from the year 2001.



5. Heard learned counsel for the parties and perused the material on record.

6. It is an admitted fact that the matter has not been argued on merits, and an innocuous prayer was made to decide and grant the payment to the respondent-workman to which she is duly entitled to.

7. Taking into consideration the averments made by learned counsel appearing on behalf of the parties as well as the due amount to be paid alongwith the accrued interest thereto, in the interest of justice, this Court is inclined to grant a lumpsum amount of Rs.14,000/- to be paid to the respondent-workman. Accordingly, the petitioner is directed to pay a sum of Rs.14,000/- to the respondent-workman within four weeks from today.

8. With the aforesaid direction, the instant petition alongwith pending application stands disposed of.

CHANDRA DHARI SINGH, J

MAY 8, 2024

dy/ryp

Click here to check corrigendum, if any