



\$~53, 54, 56, 60 & 61

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

+ LPA 358/2024, CM APPL. 26688/2024-Addl. Doc, CM APPL.

26689/2024-Exp, CM APPL. 26690/2024-Delay 60 days in filing
appeal.

RAJU KUMAR SAH

..... Appellant

Through: Mr.Rajiv Agarwal with Ms. Meghna
De, Advocates

versus

SUB DIVISIONAL MAGISTRATE DWARKA AND ANR

..... Respondents

Through: Mr. Karn Bhardwaj, ASC, GNCTD
with Mr. Shubham Singh and Mr.
Rajat Gaba, Advocates for R-1
Mr. Arjun Mahajan, SPC with Ms.
Neha Rai and Mr. Rishab Bhalla,
Advocates for R-2

54

LPA 361/2024, CM APPL. 26878/2024-Addl. Doc, CM APPL.

26879/2024-Exp, CM APPL. 26880/2024-Delay 60 days in filing
appeal

RAMA KANT

..... Appellant

Through: Mr. Rajiv Agarwal with Ms. Meghna
De, Advocates

versus

SUB DIVISIONAL MAGISTRATE DWARKA AND ANR

..... Respondents



56

Through: Mr. Karn Bhardwaj, ASC, GNCTD
with Mr. Shubham Singh and Mr.
Rajat Gaba, Advocates for R-1
Ms. Manmeet Kaur Sareen, Advocate
for Mr. Kirtiman Singh, CGSC for R-
2

LPA 365/2024, CM APPL. 27009/2024-Addl. Doc, CM APPL.
27010/2024-Exp & CM APPL. 27011/2024-Delay 60 days in filing
appeal.

SANDEEP KUMAR

..... Appellant

Through: Mr. Rajiv Agarwal with Ms. Meghna
De, Advocates

versus

SUB DIVISIONAL MAGISTRATE (DWARKA) AND ANR

..... Respondents

Through: Mr. Karn Bhardwaj, ASC, GNCTD
with Mr. Shubham Singh and Mr.
Rajat Gaba, Advocates for R-1
Ms. Manmeet Kaur Sareen, Advocate
for Mr. Kirtiman Singh, CGSC for R-
2

60

LPA 366/2024, CM APPL. 27121/2024- Addl. Doc., CM APPL.
27122/2024- Exp, CM APPL. 27123/2024- Delay 60 days in filing

SANJEEV KUMAR

..... Appellant

Through: Mr. Rajiv Agarwal with Ms. Meghna
De, Advocates

versus



SUB DIVISIONAL MAGISTRATE (DWARKA) AND ANR

..... Respondents
Through: Mr. Karn Bhardwaj, ASC, GNCTD
with Mr. Shubham Singh and Mr.
Rajat Gaba, Advocates for R-1
Ms. Nidhi Raman, CGSC with Mr.
Zubin Singh, Advocate for R-2

61

LPA 367/2024, CM APPL. 27124/2024- Addl. Doc., CM APPL.
27125/2024- Exp., CM APPL. 27126/2024- Delay 60 days in filing
DHEERAJ KUMAR Appellant

Through: Mr. Rajiv Agarwal with Ms. Meghna
De, Advocates

versus

SUB DIVISIONAL MAGISTRATE DWARKA AND ANR

..... Respondents
Through: Mr. Karn Bhardwaj, ASC, GNCTD
with Mr. Shubham Singh and Mr.
Rajat Gaba, Advocates for R-1
Mr. Arjun Mahajan, SPC with Ms.
Neha Rai and Ms. Rishab Bhalla,
Advocates for R-2

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER
07.05.2024

%

1. The present batch of appeals under Clause X of the Letters Patent seek to assail four similar orders passed by the learned Single Judge dated



31.01.2024 in W.P.(C) 15833/2023. Vide the impugned orders, the learned Single Judge has rejected the appellants' prayer for issuing directions to the respondent no.1 to take expeditious steps for implementation/execution of recovery certificate dated 07.08.2023 issued in pursuance to the industrial award dated 01.04.2014. Upon a perusal of the impugned order, we find that the learned Single Judge has dismissed the writ petitions after recording the stand of the respondent no.1/SDM, that it was taking all necessary steps to implement the award and the recovery certificate and had in this regard already issued warrants of arrest against the respondent no.2 on 26.10.2023, which were yet to be implemented.

2. Learned counsel for the appellants submits that the appellants have been compelled to approach this Court as the respondent no.1 is not taking any effective steps for execution of either the award or the recovery certificate or the warrants of arrest issued against respondent no.2.

3. On the other hand, learned counsel for the respondent no.1 who appears on advance notice submits that the respondent no.1 is already taking steps for implementation of the award as also the recovery certificate, therefore the learned Single Judge was justified in dismissing the writ petition by holding that appropriate steps were being taken by respondent no.1. Having considered the rival submissions of the parties, we are of the view that when the respondent no.1 is already taking the requisite steps for implementation, there is no reason for this Court to entertain the present appeals which are disposed of by directing the respondent no.1 to ensure that expeditious steps as per law are taken for execution of the award dated 01.04.2014 and the recovery certificate dated 07.08.2023, including execution of the warrants of arrest already issued on 26.10.2023 against the



respondent no.2, if the same continue to be in force as on date.

4. Accordingly while disposing of the appeals, we expect the respondent no.1 to take all necessary steps in accordance with law to get the award and consequential recovery certificate executed at the earliest. We however make it clear that we are not expressing any opinion on the merits of the recovery certificate or the warrants of arrest stated to have been issued by the respondent no.1.

5. The appeals are accordingly disposed of in the aforesaid terms alongwith all the pending applications.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 7, 2024/akr..