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

+ **W.P.(C) 11626/2023**

BIRENDER SANGWAN

.....Petitioner

Through: **Mr. Uttam Singh, Advocate.**

versus

PRINCIPAL JUDGE NORTH WEST AND ORS.Respondents

Through: **Mr. Sameer Vashisht, ASC for
GNCTD with Ms. Harshita Nathrani,
Mr. Vanshay Kaul and Mr. Vedansh
Vashisht, Advocates.**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
19.07.2024

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1. The present petition under Article 226 of the Constitution of India seeks a series of writs of mandamus, in light of the alleged administrative and contractual failures involving public utility services specifically the management and treatment of sanitary workers in the Northwest District Court, Rohini. Specifically, the Petitioner seeking directions to Principal, District & Session Judge, North-West District, Rohini, to terminate the contract entered with Respondent No. 4 for providing sanitary services including manpower. The prayer clause of the petition reads as follows:

i. Issue writ of mandamus in nature thereby directing respondents no. 1 & 5 to terminate and blacklist the respondent no.4, so that it (respondent no.4) may not be appointed/contracted with any other public utility / services and that it may not practice its arbitrary, unfair, illegal,



discriminatory acts and omissions anywhere/there, at all

ii. *Issue a writ of mandamus directing the Principal Judge of the North West District Court to promptly and diligently address the petitioner's complaint and take appropriate action in accordance with the law.*

iii. *Issue a writ of mandamus directing the respondent to ensure prompt and regular payment of salaries to the sanitary workers and other contractual worker in Rohini Court without any further delay.*

iv. *Initiate an inquiry into the alleged illegal termination of old employees and ensure that appropriate action is taken in line with the principles of natural justice.*

v. *Issue a writ of mandamus directing the respondent no 3 to register a fir and order a thorough investigation into the allegations of bribery and corruption in the recruitment of new sanitary workers and take necessary corrective measures.*

vi. *Pass such any other further Order(s)/Direction(s)/Relief(s), which this Hon'ble Court may deem it appropriate in view of abovementioned facts and circumstances of the present matter, so as to be the same in the interest of justice as well as in the interest general public/other employee employed with respondent no. 1."*

2. The Petitioner has not asserted any personal right in the present petition and has filed the present petition in his personal capacity asserting his status as a "law abiding and peace-loving citizen". He has relied upon order dated 17th August, 2015 in W.P.(C) 7320/2015 titled '*Birender Sangwan vs. Union of India & Ors,*' wherein the Division Bench of this Court, has directed the Respondents therein to ensure timely remittances into the accounts of the workers in accordance with the provisions of Payment of Wages Act, 1936. Petitioner contends that despite the said direction by this Court, there are still complaints by the workers regarding non-payment of the statutory dues.

3. The Petitioner also raises serious concerns regarding the role and



responsiveness of the Administrative Civil Judge, North West, who serves as the Nodal Officer. It is alleged that this officer has failed to adequately address or respond to queries, concerns, and grievances of employees, suggesting a lapse in the duties typically expected from a position tasked with overseeing and grievance redressal. Further, the Petitioner has alleged that Respondent No. 4 has removed all the old workers and indulged in bribery by accepting money while hiring the new batch of sanitary workers. It is submitted that the workers have filed a complaint with Station House Officer, Prashant Vihar, but police have not taken any action against the agency.

4. Respondent Nos. 1 to 2 have filed a counter affidavit detailing the steps taken in compliance of directions issued by this Court in W.P. No. 7320/2015. In response to the allegations made by the Petitioner regarding non-compliance of Court directions, the Respondents No1-2, have provided a detailed account outlining several measures taken to ensure adherence to these directives, focusing particularly on the operational roles and monitoring responsibilities assigned to the Nodal Officer. Respondents No.1-2 have detailed the regular appointment of Nodal Officers, as mandated by court orders, for six-month terms to oversee and ensure compliance by service providers. The current Nodal Officer, the Administrative Civil Judge (N-W), has reportedly been active in monitoring and ensuring that contractual employees' wages, including statutory deductions such as EPF and ESI, are properly managed and disbursed. The payment processes for contractual employees are strictly monitored, with wages typically disbursed within the first seven days of each month. This system is reportedly supported by monthly declarations



from the vendor/contractor to confirm compliance with the Payment of Wages Act, 1936. Delays, if any, are attributed to the vendor's late submission of necessary paperwork. It is also asserted that a dynamic list of employees is maintained, and day-to-day attendance is monitored. Complaints against the service provider are reportedly addressed promptly, with a monitoring committee in place to handle grievances effectively. Further, the court administration has engaged with outsourced employees on multiple occasions to address any grievances and maintain open lines of communication and ensuring that employee concerns are heard and addressed in a timely manner.

5. As regards the allegation of bribery against Respondent No.4 is concerned, the Principal, District & Session Judge (North West) marked the complaint dated 1st August, 2023 to the General Administration Branch, Rohini Court, to take appropriate action against Respondent No. 4. The said complaint was investigated by the Police, and they have filed a status report through letter dated 8th August, 2023 which indicates that complaints of alleged bribery have been withdrawn and the matter has been compromised between the parties.

6. The court has carefully reviewed the submissions and evidence presented by Respondents No. 1-2 concerning the steps they have taken to address the grievances brought forth by the Petitioner. It is clear from the documentation that significant efforts have been made to ensure compliance with court directives and to maintain the integrity of administrative processes. The appointment of a Nodal Officer, regular monitoring of payments, diligent handling of complaints, and the investigation of allegations of bribery are all indicative of a responsive and



responsible approach. In light of these observations, the court finds that the systems and processes established by the Respondents No.1-2 are adequate for the ongoing management and resolution of the issues raised by the Petitioner. There is no evidence or finding of any systemic failure or neglect that would necessitate intervention from this Court. While the Court does not find the need to issue further directions, Respondents No.1-2 must continue to monitor their processes and remain open to making improvements as necessary.

7. Accordingly, the present petition is disposed of.

SANJEEV NARULA, J

JULY 19, 2024

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