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

+ **W.P.(C) 16941/2024**

BIJENDER

.....Petitioner

Through: Mr. Shubham Bahl, Advocate.

versus

THE DISTRICT COLLECTOR/COLLECTION OFFICER & ORS.

.....Respondents

Through: Mr. Prashant Manchanda, ASC with
Ms. Nancy Shah, Advocate for
GNCTD.

Mr. Kalyan Babu Singh, Advocate for
R-2.

Mr. Abhishek Khanna, senior panel
counsel with Mr. Parvesh Khanna,
Advocate for R3

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

09.12.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

1. The Industrial Dispute that started in the year 1997 culminated into award in favour of the petitioner workman on 31.01.2007, thereby directing his reinstatement with 40% back wages. Thereafter, the recovery certificate was issued on 29.09.2016, against which the present respondent no.3 filed writ petition. The said writ petition was dismissed by the coordinate bench of this court on 28.02.2020, which order was upheld by the Division Bench of this court on 16.11.2022.
2. Till date, the award has not been implemented.



3. More shockingly, the party which has to implement the award is an instrumentality of State.

4. The matter is passed over at request of learned counsel for respondents who have appeared on advance intimation and accept notice, so that they may take telephonic instructions as to whether they are ready to implement the award within one week or whether they intend to challenge the order dated 16.11.2022 before the Hon'ble Supreme Court.

5. Be awaited.

GIRISH KATHPALIA, J

DECEMBER 9, 2024/ry

6. In this second call, learned counsel for respondents no. 2&3 submits that he had obtained instructions of his clients and on the basis thereof, it is undertaken by him that the award in question shall be implemented positively within two weeks from today since complete bank account details and identity documents of the petitioner workman have been now handed over to him.

7. Accordingly, the writ petition is allowed, directing the respondents to ensure implementation of the award dated 31.01.2007 within two weeks from today. However, it is taken on record that the said implementation as assured is of the monetary component and not of reinstatement since the respondent no. 3 has opted to challenge the order of the Division Bench of this Court before the Hon'ble Supreme Court to the extent of reinstatement. Keeping in mind the overall circumstances as described in pre-lunch order, respondent no. 3 shall pay a cost of Rs. 25,000/- to petitioner by way of



demand draft in his name within three days and in case the monetary relief in terms of the said award is granted within two weeks, the said amount shall be deducted there from.

GIRISH KATHPALIA, J

DECEMBER 9, 2024/as