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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6867/2016**
NORTH DELHI MUNICIPAL CORPORATIONPetitioner

Through: Mr. Arun Birbal, Adv.

versus

B.K. PRASAD

.....Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

06.08.2024

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1. The report of the Registry shows that Respondent has been served on 17.08.2023. None appears for the Respondent today despite service.
2. Learned Counsel for the Petitioner submits that the grievance in the matter is limited. He submits that the Respondent/Workman has claimed dues on the basis of his working at the Nigam Bodh Ghat, Delhi. However, it is contended by the learned Counsel for the Petitioner that the Workman was never deployed by the Petitioner at the relevant time at the said place.
3. Learned Counsel for the Petitioner further submits that the Award dated 16.11.2015 passed by the learned Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court No.1, Karkardooma Court Complex, Delhi, was passed *ex-parte* and thus, the Petitioner was unable to bring these documents on record. He seeks to rely upon the documents which are annexed along with the Petition. He fairly concedes that these documents were not placed before the learned Labour Court.
4. It is settled law that this Court cannot examine the disputed questions of fact in proceedings under Article 226 and 227 of the Constitution of India, 1950.



5. Accordingly, the Impugned Award is set aside and this Court remands the matter back to the Central Government Industrial Tribunal-cum-Labour Court No.1, Karkardooma Court Complex, Delhi for a *de novo* hearing.
6. All rights and contentions of the parties are left open to be agitated before the learned Labour Court.
7. The Petition is accordingly disposed of.
8. Parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

AUGUST 6, 2024/r

Click here to check corrigendum, if any