



2024:DHC:1355



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

% **Date of order: 6th February, 2024**

+ **W.P.(C) 4781/2017**

DELHI TRANSPORT CORPORATION Petitioner

Through: **Ms.Aditi Gupta, Advocate**

versus

NAVEEN KUMAR Respondent

Through: **Mr.Jawahar Raja, Meghna De and
Ms.L.Gangmei, Advocates**

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

CHANDRA DHARI SINGH, J (Oral)

1. The petitioner vide the present petition under Article 226 of the Constitution of India seeks the following reliefs:

“A. An order to set aside the impugned award / final order dated 30.01.2017 passed Ld. Presiding Officer, PILOT COURT/POLC-XVII, New Delhi, in ID.No. 1302/16(01d ID 133/13).

B. Pass any other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case;”

2. The brief facts necessary for the adjudication of the petition have been reproduced hereinbelow:



- a) On 11th November, 2008 the respondent was shortlisted for the post of driver vide appointment letter bearing no. PLD-III/DSSSB /2008/3421, issued by the Delhi Subordinate Services Selection Board (hereinafter “DSSSB”), after conduction of medical examination by the Medical Board.
- b) As per the terms of the employment the respondent was deployed with the petitioner wherein he was to serve a period of probation for a period of two years, w.e.f. 24th December, 2008.
- c) On 14th November, 2009 the respondent met with an accident due to which he fractured his right leg and vide letter dated 17th November, 2011 the respondent workman informed the petitioner corporation about the said accident .
- d) Subsequently, the respondent workman asked for multiple extensions of his approved leave vide letters dated 30th December, 2009; 15th March, 2010 and 14th April, 2010.
- e) Further, vide letter dated 14th April, 2010 the respondent requested the petitioner corporation to assign him to a lighter duty and vide letter dated 9th July, 2010 , also requested the petitioner to consider the period of his medical treatment i.e., 15th November, 2009 till 13th May, 2010 as medical leave.
- f) Thereafter, upon being declared fit to take up light work, the respondent workman requested the petitioner corporation to



allow him to resume his duty at the post of Guard in the security department of the petitioner.

- g) Further, vide letter dated 20th December, 2011 the petitioner requested the petitioner corporation to shift him from the security department to the post of bus driver.
- h) Subsequently, vide memo no. RHN1/PFC(Driver) 12/04 dated 2nd January, 2012 the petitioner corporation referred the respondent to the Medical Board for medical examination.
- i) Pursuant to the same, vide report bearing no. Medical Board/2012/16, the Medical Board declared the respondent unfit for the duty of driver.
- j) Whilst taking into consideration the above said medical report, the petitioner corporation vide Memo bearing no. RHDI/PFC(Dr)2012/158 dated 13th January, 2012 under Clause 9(a) (I) of the Delhi Road Transport Authority Act, 1950, (hereinafter “DRTA”) terminated the services of the respondent with immediate effect.
- k) Being aggrieved by the termination, the respondent-workman approached the deputy Labour Commissioner and vide order dated 25th March, 2013, ID No, 1302/16 was instituted.
- l) On 1st October, 2013 the reference had been filed before the learned Presiding Officer, PILOT COURT/POLC-XVII, New Delhi for reinstatement of the respondent along with consequential benefits.



- m) Consequent to the aforesaid reference, the petitioner corporation filed its written statement dated 12th February, 2012.
- n) Thereafter, the learned Labour Court passed an award dated 30th January, 2017 in favour of the respondent herein, thereby directing the petitioner to provide an alternative post of the same pay scale with continuity of service and other benefits to the respondent workman and to also pay him 50% back wages with due increments within a month from the date of publication of the award.
- o) Aggrieved by the impugned award, the petitioner corporation has preferred the instant petition.
3. Learned counsel appearing on behalf of the petitioner submitted that the impugned award is in violation of the settled principles of law and in view of the same, it is liable to be set aside.
4. It is submitted that the learned Labour Court has passed the impugned award in contradiction to its own finding that the respondent has been jobless since the date of his termination, moreover, it has been categorically mentioned that the respondent-workman did not try to get a job of a driver.
5. It is submitted that the learned Labour Court has failed to appreciate the evidence produced by the petitioner corporation, particularly the circular bearing No. 136, dated 20th March, 2006, and the said circular is not applicable to the case of the respondent since the respondent was yet to complete his period of probation.



6. It is further submitted that the petitioner corporation has fully complied with the established procedure of law and terminated the employee on the basis of Clause 9(a) (I) of the DRTA which is applicable to the case of probationary employees.

7. It is also submitted that while passing the impugned award, the learned Labour Court ignored the fact that prior to the aforesaid medical test the respondent was offered a suitable job in the security department of the petitioner corporation, however the respondent declined to the same.

8. It is also submitted that the reasoning given by the learned Labour Court whilst passing of the impugned award is entirely on the basis of Section 47 of the Person with Disability Act, 1995 and disregarded the settled law in the case titled *Union of India vs Pramod Sadashiv Thakre*, **2011 SCC OnLine Bom 1407**, wherein it was held that the aforementioned section makes no distinction between the nature of services and is only applicable to the confirmed and regular employees and not probationary employees.

9. It is submitted that the learned Labour Court has failed to appreciate that the respondent was appointed as a driver on probation for a period of two years w.e.f. 20th January, 2009, moreover, the respondent remained on leave for 202 days since he met with the accident.

10. It is further submitted that vide report dated 4th January, 2012 the respondent was declared unfit for his duty by the Medical Board of the petitioner corporation.

11. It is submitted that the learned Labour Court failed to take into



consideration the ratio laid down in cases wherein different Courts have dealt with termination of employees on probation and further observed that such employees are not entitled to any protection under Article 311 of the Constitution of India.

12. In view of the foregoing submissions, it is prayed that the instant petition may be allowed and the relief as prayed for be granted.

13. *Per Contra*, learned counsel appearing on behalf of the respondent workman vehemently opposed the instant petition, while submitting to the effect that the instant petition is untenable as no specific question of law is being raised and the primary motive of the petitioner is to harass the respondent thereby, denying the respondent workman his entitled relief.

14. It is also submitted that the office of the Deputy Labour Commissioner, Government of NCT of Delhi issued a recovery certificate dated 28th August, 2017 for wages amounting to Rs. 7,95,341/-, for the period from 13th January, 2012 to 29th February, 2017., however, the petitioner corporation has only deposited Rs. 5,75,018/-.

15. It is submitted that the learned Labour Court has taken into consideration all the facts and circumstances surrounding the case while passing the impugned award and the same does not require any interference of this Court.

16. It is further submitted that the respondent has not been able to secure any form of employment since the award has been passed, due to which he has been unable to support himself and his family.

17. It is also submitted that the petitioner corporation is delaying the



implementation of the impugned award, by filing the instant petition and not granting the respondent workman the reliefs that have been awarded to him.

18. In view of the foregoing submissions, it is prayed that the instant petition may be dismissed, being devoid of any merit.

19. Heard the parties and perused the record.

20. The crux of the matter before this Court is concerned with whether the respondent workman's services were terminated illegally and if the impugned award suffers from any illegality. In order to adjudicate the said issues before us, it is apposite to analyse the impugned award dated 30th January, 2017. The relevant paragraphs of the same have been reproduced hereunder:

"4. Following issues were framed on 26.11.2014:-

- 1. Whether the dispute was required to be espoused by a recognized union? OPM.*
- 2. As per terms of reference.*

xxx

6. The management examined its Depot Manager Sh. Manvinder Singh as WW1. He deposed that service of the claimant was temporary in nature and so, it was terminated vide order dated 13.01.2012 under clause 9(a)(i) of DRTA as the claimant had still not completed probation period.

He relied upon following documents:-

- (i) ' Ex.MW1/1 is copy of letter dated 19.01.2009.*
- (ii) Ex.MW1/2 copy of letter dated 30.12.11.*
- (iii) Ex.MW1/3 is copy of letter dated 02.01.12.*
- (iv) Ex.MW1/4 is copy of medical report dated 04.01.12 of workman.*
- (v) Ex.MW1/5 are extract of meeting of DTC Board held on 11.02.11.*
- (vi) Ex.MW1 /6 is copy of circular dated 11.03.11.*



(vii) *Ex.MW1/7 is copy of executive instructions of DTC. He also relied upon documents Ex.WW1/11 and Ex.WW1/23.*

Issue No. 1:

7. Both parties did not press this issue.

Issue No. 2:

8. Ld. ARW argued that after successful completion of probation period, claimant's service was extended vide letter dated 29.03.2011 Ex.WW1/17. The management had extended his probation period without reason just to terminate his service under clause 9(a)(i) of DRTA. He further argued that whether any employee had completed probation period or not, the management cannot terminate service of the employee if he had acquired disability during employment because such action of the management is hit by Section 47 of The Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. The third argument of Ld. ARW is that the representation given by claimant to higher authority of the management was not taken in proper perspective and the same was rejected without any basis despite observing that there was circular dated 20.03.2006 Ex.WW1/W1 that service of such employees cannot be terminated in view of Section 47 of the Act. He relied upon Shri Pawan Kumar Vs. Delhi Transport Corporation WP(C) No. 4261/2013 decided by Hon'ble High Court of Delhi on 16.01.2015 and Vinod Kumar Vs. Delhi Transport Corporation O.A. No. 3484/2014 decided by CAT on 10.05.2016. On the other hand. Id. ARM argued that as per appointment letter Ex.WW1/2 (collectively), the management was perfectly justified to terminate the service of the claimant in view of clause No. 9 because he had still not completed probation period.

9. Following are undisputed facts :-

(i) The claimant was appointed as permanent driver vide appointment letter Ex.WW1/2 (collectively) containing clause No.9 that his appointment was purely temporary. He shall be on probation for a period of two years from the date of



appointment. His service shall be liable to be terminated at any time without notice and without reason during probation period and that he shall be considered to have completed the probation period satisfactorily only when a notification to that effect was issued by the competent authority.

(ii) It has been admitted and proved by medical papers Ex.WW1/6, Ex.WW1/8 and Ex.WW1/13 that claimant had met with an accident on 14.11.2009. In that accident, his right leg was fractured.

(iii) The management had issued letter Ex.WW1/17 for extension of probation period of the claimant. Vide that letter, claimant's probation period was extended for one more year i.e. up to 19.01.2012.

(iv) The service of the claimant was terminated vide letter dated 13.01.2012 Ex.WW1/23 under clause 9(a)(i) of DRTA.

10. In Pawan Kumar Vs. Delhi Transport Corporation (Supra), the workman / driver, during the period of probation, had suffered an injury when a fire-cracker hit his right eye leaving him visually handicapped by 30%. The management had terminated his service during probation but the termination was held illegal on following ground:

(i) The extent of disability suffered by the employee should not be necessarily 40%.

(ii) It is not necessary that the employee should suffer disability in the course of employment.

(iii) If the employee suffers disability during employment and during probation period, his service cannot be terminated in view of Section 47 of the Act.

11. Vide letter dated 29.01.2011 Ex.WW1/17, the probation period of the claimant was extended for one more year i.e. up to 19.01.2012 in accordance with the terms and conditions of his appointment. In extension letter, no reason was stated by the management why the probation period was extended. On this score, case of the claimant is well supported by Delhi Transport Corporation Vs. Shri Ram Phal RSA No. 95/1988 decided by



Hon'ble High court of Delhi on 01.04.2011 and Richpal Singh Vs. Secretary (Labour) and Ors. CWP No. 1372/1975 decided by Hon'ble High court of Delhi on 21.02.1985.

12. The plea of the management that it can terminate service of any employee without assigning any reason during probation period, has no merit in view of cited law because it was held by the High Court in that case that Section 47 of the Act bars management from taking such punitive action against any employee who had suffered disability.

13. There is a circular No. 136 dated 20.03.2006 Ex.WW1/W1 issued by management keeping in view the decision of Hon'ble High Court of Delhi, dated 12.09.2005 in CWP No. 869/2000, to the following effect:-

"The corporation has decided to comply with the aforesaid order of Hon'ble High Court. Section 47 of the Persons With Disability Act, 1995 which lays down as under:-i "No establishment shall dispense with, or reduce in rank, an employee with acquires & disability during his service.

Provided that, if an employee, after acquiring the disability is not suited for the post he was holding could be shifted to some other post with the same pay scale and service benefits;

Provided further that if it is not possible to adjust the employee against any post, he may be kept on supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier."

It is further directed that henceforth the provisions of Section 47 of the Persons With Disability Act, 1995 should be complied in all cases where an employee acquires disability during his service career and or being declared unfit by the DTC Medical Board".

Ld. ARM argued that circular No. 136 is applicable only in case if service of an employee has been regularized, but in the case in hand, the claimant was still undergoing probation period when his service was terminated. Ld. ARM is not supported by the contents of circular No. 136 Ex.WW1/W1. No



distinction has been made in that circular regarding the service of regular employee and employee undergoing probation period.

14. The management had extended the probation period of the claimant illegally without mentioning the reason of extension. Even if it is presumed that his probation period was extended validly, the management should not have terminated his service during probation period in view of Section 47 of the Act.

Relief:

15. It has been deposed by claimant that he is jobless since termination of his service. He did not pinpoint any agency visited by him in connection with reemployment. Number of cars in this area has already crossed one crore. There is no dearth of opportunity for drives in Delhi and NCR. Had he tried seriously, he would have definitely got job of equal status and salary. He is a young man. Taking into account all the facts, the management is directed to give claimant an alternative post of the same pay-scale with continuity of service and other benefits in accordance with his capabilities. The management is further directed to pay him 50% back wages with due increments within a month from the date of publication of the award, failing which it shall be liable to pay interest @ 9 per cent per annum from today till realization. Reference is answered accordingly. Award is passed accordingly.

16. The requisite number of copies be sent to the Govt. of NCT of Delhi for publication of the award. File be consigned to record room."

21. The learned Labour Court, while taking into consideration the documents tendered as evidence, observed that the respondent workman was on probation till 20th January, 2009, however, his services were terminated vide letter 13th January, 2012 on account of him being declared physically unfit to drive a vehicle. It is observed that the petitioner corporation



terminated his service without notice and without tendering retrenchment compensation. Moreover, the respondent workman relied upon Section 47 of the Persons with Disabilities Act, 1995 (hereinafter “Act”), which makes it evident that any employee who is declared unfit for his duty/service shall be adjusted to another post with the same pay scale and service benefits, and in the event that such adjustment is not possible, the said employee is to be kept on a supernumerary post until a suitable post is available or the employee attains age of superannuation. Additionally, the respondent workman relied upon circular dated 22nd March, 2006, which categorically affirms that the procedure as laid down in Section 47 of the Act must be followed.

22. At this stage, it is pertinent to analyse the circular dated 20th March, 2006 which was issued by the petitioner corporation in pursuance of the directions passed by the Predecessor Bench of this Court vide order dated 12th September, 2005. In the said order this Court had directed the petitioner corporation to comply with Section 47 of the Act and provide alternate jobs to individuals who develop a disability during their service. The relevant portion of the circular has been reproduced hereinbelow:

“CIRCULAR

This Hon'ble High Court of Delhi vide its order dated 12.09.2005 in CWP No.869 of 2000 has directed the DTC to comply with the provisions of Section 47 of the persons with Disability Act, 1995. A copy of the aforesaid order is enclosed herewith. The corporation has decided to comply with the aforesaid order of Hon'ble High Court. Section 47 of the persons with Disability Act, 1995 which lays down as under: -



No establishment shall dispense with, or reduce in rank, an employee who acquires a disability during his service.

Provided that, if an employee, after acquiring disability is not suitable for the post he was holding, could be shifted to some other post with the same pay scale and service benefits.

Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

It is further directed that henceforth the provisions of Section 47 of the persons with Disability Act, 1995 should be complied in all cases where an employee acquires disability during his service career and or being declared unfit by the DTC Medical Board. This issue with the approval of the competent authority”

23. A perusal of the said circular reveals that the petitioner corporation decided to comply with the order of this Court and inculcated Section 47 as their standard practice. The petitioner corporation undertook to comply with the provisions of the said Section in all cases where an employee acquires disability during his service career and is declared unfit by the medical board.

24. In order to analyse the issues brought forth by way of the instant petition, it is also appropriate for this Court to analyse Section 47 of the Act, which has been reproduced hereunder:

“47. Non-discrimination in Government employment.-

(1) No establishment shall dispense with, or reduce in rank, an employee who acquires a disability during his service:

Provided that, if an employee, after acquiring disability is not suitable for the post he was holding, could be shifted to some



other post with the same pay scale and service benefits: Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier

No promotion shall be denied to a person merely on the ground of his disability: Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, as may be specified in such notification, exempt any establishment from the provisions of this section.”

25. The Hon’ble Supreme Court, in case titled the ***Union of India v. Devendra Kumar Pant, (2009) 14 SCC 546***, discussed the scope of Section 47 of the Act, thereby, stating that the said Section applies to individuals who are in Government employment and acquire a disability during their service. The primary aim of the said Section is to safeguard the workers who suffer from any disability, by ensuring that their entire livelihood is not lost. The relevant paragraph of the afore cited case has been reproduced herein:

“29. Section 47 applies to a post-employment situation, that is, to those who are already in government employment. Section 47 contains two distinct provisions. The first is a provision for non-discrimination when an employee who is already in government employment acquires a disability during his service. Sub-section (1) extends the following protection to the employees in government service who acquire a disability during service:

(a) their service shall not be dispensed with or reduced in rank on the ground that they acquired a disability during service; and



(b) if an employee who acquires a disability during service is not suitable for the post he was holding, he could be shifted to some other post with same pay scale and service benefits, and if it is not possible to adjust the employee against any post, he should be kept on a supernumerary post until a suitable post is available or until he attains the age of superannuation whichever is earlier.”

26. Further, in case titled **Kunal Singh v. Union of India, (2003) 4 SCC 524**, the Hon’ble Supreme Court discussed the scope and ambit of the said Section in the following words: -

“8. The need for a comprehensive legislation for safeguarding the rights of persons with disabilities and enabling them to enjoy equal opportunities and to help them to fully participate in national life was felt for a long time. To realize the objective that people with disabilities should have equal opportunities and keeping their hopes and aspirations in view a meeting called the “Meet to Launch the Asian and Pacific Decades of Disabled Persons” was held in Beijing in the first week of December 1992 by the Asian and Pacific countries to ensure “full participation and equality of people with disabilities in the Asian and Pacific regions”. This meeting was held by the Economic and Social Commission for Asia and Pacific. A proclamation was adopted in the said meeting. India was a signatory to the said proclamation and agreed to give effect to the same. Pursuant thereto this Act was enacted, which came into force on 1-1-1996. The Act provides some sort of succour to the disabled persons.

9. Chapter VI of the Act deals with employment relating to persons with disabilities, who are yet to secure employment. Section 47, which falls in Chapter VIII, deals with an employee, who is already in service and acquires a disability during his service. It must be borne in mind that Section 2 of the Act has



given distinct and different definitions of “disability” and “person with disability”. It is well settled that in the same enactment if two distinct definitions are given defining a word/expression, they must be understood accordingly in terms of the definition. It must be remembered that a person does not acquire or suffer disability by choice. An employee, who acquires disability during his service, is sought to be protected under Section 47 of the Act specifically. Such employee, acquiring disability, if not protected, would not only suffer himself, but possibly all those who depend on him would also suffer. The very frame and contents of Section 47 clearly indicate its mandatory nature. The very opening part of the section reads “no establishment shall dispense with, or reduce in rank, an employee who acquires a disability during his service”. The section further provides that if an employee after acquiring disability is not suitable for the post he was holding, could be shifted to some other post with the same pay scale and service benefits; if it is not possible to adjust the employee against any post he will be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier. Added to this no promotion shall be denied to a person merely on the ground of his disability as is evident from sub-section (2) of Section 47. Section 47 contains a clear directive that the employer shall not dispense with or reduce in rank an employee who acquires a disability during the service. In construing a provision of a social beneficial enactment that too dealing with disabled persons intended to give them equal opportunities, protection of rights and full participation, the view that advances the object of the Act and serves its purpose must be preferred to the one which obstructs the object and paralyses the purpose of the Act. Language of Section 47 is plain and certain casting statutory obligation on the employer to protect an employee acquiring disability during service.”



27. In the aforesaid case, the Hon'ble Supreme Court observed that Section 47 of the Act addresses employment for individuals with disabilities who have not yet secured employment, while Section 47, found in Chapter VIII, pertains to employees already in service who develop a disability during their service.

28. It's important to note that Section 2 of the Act provides distinct definitions for "disability" and "person with disability", and when a statute offers two distinct definitions, they should be interpreted accordingly. Section 47 specifically aims to protect employees who acquire disabilities during their service, as failure to do so would not only harm the employee but also potentially affect those who depend on them.

29. The language and content of Section 47 clearly indicate its mandatory nature, stating that no establishment should terminate or demote an employee who acquires a disability during service. Furthermore, the said provision allows for the reassignment of such employees to a suitable position with the same benefits if their current role becomes unsuitable due to the disability. Additionally, the provision also ensures that promotions cannot be denied solely based on disability. When interpreting provisions of a socially beneficial enactment, especially one concerning disabled individuals aimed at providing equal opportunities and rights, the interpretation that furthers the purpose of the Act should be favoured over those that hinder it. Section 47 unequivocally imposes a statutory obligation on employers to safeguard their employees who acquire disabilities during their service.



30. In the instant petition, it has been contended on behalf of the petitioner corporation that the respondent workman was under probation, when he was deemed medically unsuitable for discharging duties as a driver. His services were, therefore, terminated under the Standing Order and Rules/Regulation 9(a)(i) of the DRTA. It has been further submitted that benefit of the Persons with Disabilities (equal opportunities, protection of rights & full participation) Act 1995 ('Disabilities Act') cannot be extended to the respondent as he was on probation. However, the issue pertaining to benefits to be granted to individuals under Government employment who suffer from any disability has been revisited time and again. In case titled ***Pawan Kumar v. Delhi Transport Corporation, 2015 SCC OnLine Del 6556***, the Division Bench of this Court, held that Section 47 does not make a distinction between the nature of the services it aims to safeguard. An individual cannot be denied the relief to which he is entitled to merely on the basis of his probationary employment. The relevant paragraphs of ***Pawan Kumar (Supra)*** have been reproduced hereunder:

“11....However, Section 47 does not make any distinction between the nature of services it protects. Relief cannot be denied to the petitioner on the ground that he was still undergoing the probation period at the time of acquisition of the disability. In this regard, the Bombay High Court in Union of India v. Pramod Sadashiv Thakre, 2012 (2) ALLMR 468, upheld this view in the following terms:

“It was, however, urged by Mr. Sundaram, learned counsel for the petitioners, that the respondent's services cannot be protected by Section 47 of the Act since the



respondent was a temporary employee on probation. Section 47 of the Act, reproduced above, protects the services of an employee and makes no distinction between the nature of the services it protects. The purpose and intention of the provisions is to protect an employee from unemployment on the ground that he has incurred disability. Parliament has in its wisdom accommodated the possibility that an employee may not be able to discharge the duties of office prescribed for him and to that effect a provision has been made that an employee shall be employed in some other post with same benefits.”

“12. Moreover, it is immaterial as to whether the injury was caused to the petitioner in the course of his employment as a driver or otherwise. This Court in the case of Shri. Sunil Kumar v. Delhi Transport Corporation 120 (2005) DLT 499, made the following observations:

“...decisions of Courts have held that it is wholly immaterial where the injury is caused while on duty or at any other time. The Disabilities Act is a beneficial enactment. No person will welcome an injury to his person...”

31. Bearing in mind the aforesaid dicta, the impugned award dated 30th January, 2017 and the circular dated 22nd March, 2006 it is evident that the petitioner corporation has wrongly terminated the services of the respondent workman and hence the respondent is entitled to employment at an alternative post of the same pay-scale with continuity of service and other benefits in accordance with his capabilities. It is evident that the benefits of the aforesaid Section are not only limited to regular employees but may be granted to employees who are on probation as well. Moreover, as per the



2024:DHC:1355



circular dated 22nd March, 2006 the petitioner corporation is bound to comply with the provisions as mentioned in Section 47 of the Act.

32. Given the foregoing gamut, this Court is of the view that the present matter does not warrant this Court's intervention. Therefore, the impugned order dated 30th January, 2017, passed learned Presiding Officer, PILOT COURT/POLC-XVII, New Delhi, in ID.No. 1302/16 (Old ID 133/13) is upheld.

33. In light of the above, it is held that there is no merit in the instant petition, thereby, making it liable to be dismissed.

34. Accordingly, the instant petitions stands dismissed along with pending applications, if any.

35. The Order be uploaded on the website forthwith.

CHANDRA DHARI SINGH, J

FEBRUARY 6, 2024
SV/DS/RYP

Click here to check corrigendum, if any