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

+ **W.P.(C) 10198/2017 and CM APPL. Nos. 41629/2017 and 29501/2019**

**DELHI DEVELOPMENT HORTICULTURE EMPLOYEE UNION
THROUGH ITS SECERETARY**Petitioners

Through: Mr. C.K. Sahu and Mr. Rajender
Sahu, Advocates.

versus

**DELHI ADMINISTRATION THROUGH CHIEF SECRETARY &
ORS**Respondents

Through: Mrs. Avnish Ahlawat, Learned
Standing Counsel with Mr. N.K. Singh, Ms. Aliza
Alam, Mr. Mohnish Sehrawat and Mr. Amitoj
Chadha, Advocates for R-1 and R-2.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER
25.11.2024**

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1. This writ petition has been preferred on behalf of the Petitioners under Articles 226 and 227 read with Articles 14,16 and 21A of the Constitution of India seeking for a direction to the Respondents to pay to the Petitioners net pay of Rs.24,760/- per month for the period 08.03.2016 to 08.03.2017 with interest.
2. Pursuant to directions of this Court an additional affidavit has been filed on behalf of Respondents No.1 and 2, wherein it is stated that payments have been made to 24 Petitioners through RTGS in their bank accounts for the period 08.03.2016 to 08.03.2017. Along with the affidavit, a list of



Petitioners along with details of payment has been appended. It is further stated that Petitioners 18, 19 and 20 did not work in the office of the answering Respondents and were never deployed by Respondent No.3.

3. It is further stated that a sum of Rs.34,45,219/- was remitted to the contractor/Respondent No.3 during the period March 2016 to March 2017 but he did not pay the employees. Efforts were made to recover the amount from the contractor for payment to the Petitioners but only a sum of Rs.16,94,601/- could be recovered, but without waiting for further recovery, answering Respondents have made complete payments outstanding to the Petitioners and the contractor has been returning money in piecemeal including the last payment of Rs.1,94,375/-. Since the entire amount due and payable to the Petitioners has been paid, the writ petition is rendered infructuous.

4. Mr. Sahu, learned counsel for the Petitioners submits that entire amounts due to the Petitioners have not been released and moreover, Petitioners are regular employees and cannot be treated as daily wagers for payments, to which Mrs. Ahlawat submits that Petitioners had earlier approached the Supreme Court for relief of regularisation but in ***Delhi Development Horticulture Employees' Union v. Delhi Administration, Delhi and Ors., (1992) 4 SCC 99***, the Supreme Court rejected their prayer for regularisation and this issue cannot now be agitated.

5. Having heard learned counsel for the parties, this Court finds merit in the submissions made on behalf of Respondents No.1 and 2. Insofar as the claim of the Petitioners for regularisation is concerned, the same is not raised in the present writ petition and therefore, this Court need not delve into the same. Be that as it may, as rightly pointed out by Mrs. Ahlawat, the



Supreme Court has already rejected this relief in the decision aforementioned. The only relief sought in the present writ petition is for payment of net pay of Rs. 24,760/- per month for the period 08.03.2016 to 08.03.2017. Respondents No.1 and 2 have categorically stated in the additional affidavit that, save and except, Petitioners 18, 19 and 20 who never worked with the answering Respondents, all outstanding payments have been released to the Petitioners and nothing further is due. Mr. Sahu had taken time on 14.11.2024 to file additional documents to show that Petitioners are entitled to net pay of Rs. 24,760/- per month, however, there is no document on record which would indicate that the Petitioners were entitled to net pay of Rs. 24,760/- per month, contrary to the submission of Respondents No.1 and 2 that Petitioners were entitled to lesser amounts being daily wagers, which have been paid. Mr. Sahu points out to a document which according to him shows that one Peon namely Sukhbeer was paid Rs.34,534/- as monthly salary. However, a bare look at the document shows that Sukhbeer is a permanent/regular employee and therefore, no parity can be claimed by the Petitioners who are daily wagers and whose claim for regularisation stands rejected.

6. For all the aforesaid reasons, there is no merit in this writ petition and the same is, accordingly, dismissed.

7. Pending applications also stand disposed of.

JYOTI SINGH, J

NOVEMBER 25, 2024/YA