



2025:DHC:1837-DB



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

Date of decision: 21.03.2025

+ LPA 419/2024
THE MANAGER CENTRAL WAREHOUSING
CORPORATIONAppellant

Through: Mr. Rajiv Shukla, Ms. Shivani
Kapoor and Mr. Sanjay Kumar,
Advocates.

versus

VEER SINGH D THROUGH LRS & ORS.Respondents

Through: Mr. Syed Hasan Isfahani and
Ms. Shifa, Advocates.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

CM APPL. 31029/2024

1. For the reasons stated in the application, the delay of 51 days in filing the appeal is condoned.

2. The application stands disposed of.

LPA 419/2024 & CM APPL. 31028/2024

3. This appeal has been filed by the appellant, challenging the Judgment dated 09.02.2024 passed by the learned Single Judge of this Court in W.P.(C) No. 2677/2011, titled *The Manager, Central Warehousing Corporation v. Veer Singh & 19 Ors.*, dismissing the writ petition filed by the appellant.

4. The appellant had filed the above writ petition challenging the Award dated 30.11.2010 passed by the learned Central Government



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Industrial Tribunal-I, New Delhi (herein after referred to as 'Tribunal') in ID no. 23/2009 directing the appellant to pay to the respondent nos.4, 8, 16 and 19 compensation of Rs.3,00,000/- each, while a sum of Rs.2,00,000/- was directed to be paid to the each remaining respondents.

5. The learned counsel for the appellant submits that the Impugned Order passed by the learned Single Judge suffers from an error apparent on the face of the record inasmuch as the learned Single Judge has attributed a finding to the learned CGIT which in fact was to the contrary. In this regard, he has drawn our attention to Paragraph 40 of the Impugned Order vis-a-vis Paragraph 37 of the award passed by the learned CGIT. We herein quote the two paragraphs referred by the learned counsel for the appellant:

a) Paragraph 40 of the Impugned Order

“40. The findings arrived at in the impugned award have been reasoned by analysing inter alia that the workmen had originally been selected by the petitioner corporation only after proper interviews, screening tests and verification of documents, followed by subsequent post-hire specialised training in order to make them proficient for the position they had been hired for. Hence, the learned Industrial Tribunal in the impugned award as reproduced herein above, opined that the workmen are entitled to be paid compensation in lieu of reinstatement.”

b) Paragraph 37 of the award dated 30.11.2010:

“37. Claimants project that a notice was displayed at I.C.D. Tuglakabad detailing that drivers were required by the Corporation. Rambir Sharma unfolds on that issue that he



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read an advertisement published in "Hindustan Times" and applied for the post of driver. He went on to depose that a notice was also displayed at I.C.D. Tuglakabad, New Delhi. However, he concedes that no interview letter was issued in his favour. He detailed that he used to visit office of the Corporation to enquire about his appointment. A letter was given to him, deputing him to Bangalore for training. On that issue Ram Bachan Singh announced that he reached I.C.D. Tuglakabad, where he was interviewed and appointed. His interview was taken a week prior to 27.11.99, the date when he was sent to Bangalore for training. He could not spell as to whether any interview letter was issued in his favour or not. Kundan Singh also recites the events in the same vein, detailing that a notice was displayed at notice board of I.C.D. Tuglakabad. According to him no interview letter was issued in his favour. However, he claims that he was interviewed and appointed. Shri Ram Kumar deposed that he came to know about vacancies of driver with the Corporation from Rambir. He was interviewed and sent to Bangalore for training. He feigned ignorance on the propositions as to whether an application was moved by him for his appointment as driver. Shri Rambir Singh also claims to be interviewed here in Delhi around 20.11.99. He concedes that no interview letter was issued in his favour. Gaya Baksh also projects those very facts. Thus out of facts unfolded by the claimants it emerge over the record that they could not establish that vacancies were advertised by the Corporation for appointment of driver. None of them claim to have submitted an application for appointment as driver. They simply project that they tendered their bio data(s) and were interviewed for the post. According to them they reached I.C.D. Tuglakabad, on a date of their convenience and choice, where they were interviewed and appointed. No inland clearance depot is/or was run by the



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Corporation at Tuglakabad, deposes Shri Tygi. His evidence on that fact remained unassailed. Thus it is emerging that the claimants coined a story of submitting applications at ICD Tuglakabad, facing an interview there and got appointment as drivers. Display of a notice at ICD Tuglakabad for recruitment of drivers is a fact which is contrary to ordinary course of events, since absence of inland clearance depot at Tuglakabad robs away veracity of those facts. Admittedly no post of tractor trailer driver was available with the Corporation. Hence engagement of the claimant as driver(s) by the Corporation can not be said to be in consonance with recruitment rules. Thus it is emerging over the record that no regular procedure for recruitment of claimants as driver(s) was followed. Their engagement was dehors the recruitment rules. Hence their reinstatement in service would amount to back door entry in Government job."

6. A reading of the above would clearly shows that while the learned CGIT had disbelieved the claim of the respondents that they had been appointed by the appellant pursuant to an interview and selection process conducted by the appellant, the learned Single Judge has upheld the Impugned Award by holding that the learned CGIT has held that the interview and the selection process were conducted by the appellant. This is clearly a contradictory finding and an error apparent on the face of the record.

7. Though the learned counsel for the respondent submits that dehors the above contradiction, there are other reasons for which the Impugned Award passed by the learned CGIT is liable to be sustained, we find that as there is an error apparent on the face of the record in the Impugned Order passed by the learned Single Judge and as the



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learned Single Judge, in the Impugned Order has not tested these submissions in the first instance, we should leave it to the learned Single Judge to first consider the pleas of the respondents on merit.

8. We accordingly, set aside the Impugned Order dated 09.02.2024 and restore the Writ Petition to its original number.

9. The parties shall appear before the learned Single Judge on 07th April, 2025.

10. We request the learned Single Judge to expedite the hearing of the Writ Petition keeping in view that the Writ Petition is of the vintage of 2011 and had earlier been decided but unfortunately we had to remand the same back for a fresh consideration.

11. The appeal along with pending application is disposed of in the above terms.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MARCH 21, 2025

SC/IK

Click here to check corrigendum, if any