



2025:DHC:7196



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

% ***Date of Decision: 08.08.2025***

+ **W.P.(C) 14029/2021**

RAMESH SINGH

.....Petitioner

Through: Ms. Meghna De, Advocate.

versus

THE REGIONAL LABOUR COMMISSIONER CENTRAL
& ANR.

.....Respondents

Through: Mr. Rahul Sharma, Ms. Shikha Singh
& Mr. Manikant, Advocates for R-1.
Mr. Arun Birbal & Mr. Sanjay Singh,
Advocates for R-2.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

1. The grievance of the Petitioner as articulated in the Petition is essentially that an award dated 04.12.2018 [hereinafter referred to as the "Impugned Order"] passed by the learned Presiding Officer, CGIT cum Labour Court-1, New Delhi was not implemented. The Petition further sets out that on account of the non-implementation of the Impugned Award, a complaint was also filed by the Petitioner under Section 2(ra) read with Item No.13 of the Fifth Schedule of the Industrial Disputes Act, 1947 [hereinafter referred to as the "ID Act"].

2. Learned Counsel for Respondent No.2, at the outset, submits that the grievance of the Petitioner stands satisfied since the Impugned Award was



implemented and the Petitioner was reinstated prior to his demise.

2.1 This contention of the learned Counsel for the Respondent No.2 is not refuted by the erstwhile learned Counsel of the Petitioner, who is present in Court. Learned Counsel submits that she has been unable to contact the legal representatives of the Petitioner, however, she fairly submits that the Impugned Award was implemented.

3. Learned Counsel for Respondent No.2 submits that given the fact that the Petitioner has passed away more than two years ago and the Impugned Award has already been implemented, the prayers in the present Petition stand satisfied. In addition, reliance is placed on the judgment of the Supreme Court in *Puran Singh & Ors. v. State of Punjab & Ors.*¹ by the learned Counsel for Respondent No.2 to submit that where sufficient cause is not shown, the Petition shall abate.

4 The Supreme Court in *Puran Singh* case has held that although the provisions of the Code of Civil Procedure, 1908 are not strictly applicable to writ petitions, in a case of delay in impleading the legal heirs, unless the High Court is satisfied that the delay was not intentional and sufficient cause has been shown, the dismissal of the petition was in order. The relevant extract of the *Puran Singh* case is set out below:

“12. As such even if it is held that Order 22 of the Code is not applicable to writ proceedings or writ appeals, it does not mean that the petitioner or the appellant in such writ petition or writ appeal can ignore the death of the respondent if the right to pursue remedy even after death of the respondent survives. After the death of the respondent it is incumbent on the part of the petitioner or the appellant to substitute the heirs of such respondent within a reasonable time. For purpose of holding as to what shall be a reasonable time, the High Court may take

¹ (1996) 2 SCC 205



note of the period prescribed under Article 120 of the Limitation Act for substituting the heirs of the deceased defendant or the respondent. However, there is no question of automatic abatement of the writ proceedings. Even if an application is filed beyond 90 days of the death of such respondent, the Court can take into consideration the facts and circumstances of a particular case for purpose of condoning the delay in filing the application for substitution of the legal representative. This power has to be exercised on well-known and settled principles in respect of exercise of discretionary power by the High Court. If the High Court is satisfied that delay, if any, in substituting the heirs of the deceased respondent was not intentional, and sufficient cause has been shown for not taking the steps earlier, the High Court can substitute the legal representative and proceed with the hearing of the writ petition or the writ appeal, as the case may be. At the same time the High Court has to be conscious that after lapse of time a valuable right accrues to the legal representative of the deceased respondent and he should not be compelled to contest a claim which due to the inaction of the petitioner or the appellant has become final.

13. So far the facts of the present appeal are concerned, Bir Singh died on 9-12-1971. The dispute related to consolidation of holding of lands. After the death of Bir Singh the right, title and interest in the land shall be deemed to have devolved on his legal representative. As such the right to pursue the remedy against them survived even after the death of Bir Singh. But for pursuing the claim against the **legal representative of Bir Singh, the appellants ought to have taken steps to substitute him. Admittedly, no step was taken on behalf of the appellants till 14-3-1975. As such the High Court was justified in dismissing the writ petition and no exception can be taken against the said order.** The appeal accordingly fails and it is dismissed. But there shall be no orders as to cost.”

[Emphasis Supplied]

5. In the present case, it is not disputed that the Petitioner passed away as is recorded in the order dated 12.10.2023, however, the legal representatives have not been impleaded. No sufficient cause has been shown for the same either as is the requirement of law.

5.1 In any event and in view of the statement of the learned Counsel for the Respondent, which has been affirmed by the learned Counsel for the



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Petitioner, that the prayers in the present Petition already stand satisfied, there is no reason to adjourn the matter further.

6. The Petition is accordingly dismissed.

7. However, this dismissal does not preclude the legal representatives of the Petitioner from taking appropriate steps in accordance with law under the Impugned Award if any grievance survives.

8. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

AUGUST 8, 2025/ ha