



2025:DHC:6161



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 14.07.2025***+ **W.P.(C) 10417/2019 & CM APPL. 43013/2019****EAST DELHI MUNICIPAL CORPORATION**Petitioner

Through: Ms. Tajinder Viridi, Advocate.

versus

**WORKMEN THROUGH NAGAR NIGAM KARAMCHARI
SANGH DELHI PRADESH (REGD.)**RespondentThrough: Mr. R.K. Pandit and Mr. Mayur
Srivastava, Advocates.**CORAM:****HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. The present Petition has been filed under Article 226 of the Constitution of India seeking to challenge an Award dated 26.09.2015 passed by the learned Presiding Officer, Labour Court, Court No. XVI, Karkardooma Courts, Delhi [hereinafter referred to as "Impugned Award"]. By the Impugned Award, a direction was passed by the learned Labour Court in respect of Safai Karamcharis' entitlement to seek reimbursement in lieu of uniforms purchased and worn by them during the years 2003-2004 at the rate as mentioned in certain circulars dated 21.07.2008, 09.01.2008, and 27.05.2009 with stitching charges as mentioned in the circular dated 21.07.2008.

2. The Petitioner has on 27.09.2019 restricted its challenge to only assailing the recovery certificates which have been issued without properly appreciating the directions given in the Award. Learned Counsel for the Petitioner submits that the Impugned Award clearly sets out that the



individual employees seeking reimbursement should place the bills/invoices before the Petitioner/Management along with a representation. After the representation, the documents were to be examined, and the Respondent/Workmen would be entitled to reimbursement for uniform allowance. She submits that the recovery certificates dated 03.10.2017, 23.10.2017, 08.11.2017 and 17.11.2017 that have been issued do not take into account the directions that have been passed in the Impugned Award regarding submitting bills/invoice for the representation and verification of documents.

3. Learned Counsel for the Petitioner submits that the recovery certificates have been issued without examination as to whether the employees have submitted their invoices/bills. Learned Counsel for the Petitioner submits that since the challenge in the Petition is limited to the recovery certificates since payment has already been made to those persons who submitted documents and their representations in terms of the Impugned Award. Thus, the recoveries are illegal.

4. Learned Counsel for the Respondent on the other hand submits that the workmen represented by the Respondent/Union and employed with the Petitioner have already submitted invoices along with their representations, however, he submits that in the event that some invoices have not been placed on record, those invoices/documents/Affidavits shall also be placed on record in the event an adequate time is granted after the examination by the Petitioner.

5. As stated above, recovery certificates dated 03.10.2017, 23.10.2017, 08.11.2017 and 17.11.2017 have been impugned. These recovery certificates



set out that the Respondent is directed to deposit various amounts and also set out the name of the workmen and the total amounts due to the Respondent/workmen. Every recovery certificate sets out the name and details of the employees for whom the amount has been recovered.

6. After some arguments, learned Counsel for the parties submit that the only issue that requires to be determined in this matter is as to whether the recoveries that have been effected from the Petitioner are pursuant to those cases where invoices and bills and supporting documents have been submitted by the Respondent/workmen but payments not made by the Petitioner.

7. While, it is the case of the Respondent that recoveries have only been carried out in those cases where documents have been submitted, the Petitioner avers that even where documents have not been submitted, amounts have been recovered.

8. It is thus contended by the learned Counsel for the Petitioner that an exercise shall be carried out by the Petitioner to examine the invoices and bills submitted, and if a deficiency is found, the Respondent shall be informed.

8.1 Learned Counsel for the Respondent submits that the Respondent/workmen have submitted their invoices or bills, however, in the event after examination of the same the Petitioner finds any deficiency, the same should be permitted to be rectified and the Respondent/workmen may be permitted to file their representation along with their documents and invoices or an appropriate Affidavit in lieu thereof given the lapse of substantial time since the uniforms were for the period 2003-2004.



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9. Accordingly, and in view of the submissions made, the Petition is disposed of with the following directions:

(i) The Petitioner shall examine the recovery certificates along with its annexures and send an intimation to those workmen who have not submitted their supporting documents within a period of six (6) weeks from today *via* Speed Post or Registered AD post. Once the intimation is received by the workmen, the workmen shall have the option to place on record their representation with documents or an appropriate Affidavit in that behalf within a period of twelve (12) weeks thereafter.

(ii) In the event that an appropriate Affidavit is not placed on record within the time as set out herein, the Petitioner is at liberty to take appropriate steps to recover the amounts already paid to the Respondent/workmen who has not been able to supply appropriate representation/invoices/affidavit.

10. It is clarified that to the extent that the recovery certificates have asked for recoveries where documents have already been submitted by the Respondent/workmen, no documents are required to be submitted by such workmen.

11. The Petition is disposed of in the foregoing terms. Pending Application stands closed.

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

TARA VITASTA GANJU, J

JULY 14, 2025/pa/r