



2025:DHC:7660



\$~4

* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 21.08.2025

+ W.P.(C) 648/2020

RANBIR SINGH

.....Petitioner

Through: Mr. Atul T.N., Mr. Manoj Nagar &
Mr. K. Pallavi, Advocates.

versus

DELHI TRANSPORT CORPORATION

.....Respondent

Through: Ms. Aditi Gupta, Advocate.

CORAM:**HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. This matter has been listed by the Registry specifically in the category of "Old/Targeted Cases" for the purpose of case management.
2. The present Petition has been filed under Articles 226 and 227 of the Constitution of India seeking the following prayers:

"(A) Issue a writ of mandamus directing the respondent to pay the dues of an amount of Rs. 15,640,40/- as per the chart enclosed (ANNEXURE P-5) arising out of the award dated 16/07/2003 which was upheld by judgment dated 19/11/2015 passed in writ petition i.e. W.P.(C) NO. 16065/2004 and 16346/2004 and judgment dated 08/02/2016 passed in LPA NO. 82/2016 and 83/2016."

3. This Court, after examining the record, on 02.04.2025, had *prima facie* noted the objection of the Respondent is that the petition in essence seeks directions to enforce an award, thus, the prayer in the present Petition is not maintainable.
4. Briefly the facts are that the Petitioner was employed as a conductor by



2025:DHC:7660



the Respondent initially on a daily basis, and thereafter, brought on its payroll. On account of alleged misconduct, the Petitioner was removed from services leading the Petitioner to raise an industrial dispute. By award dated 16.07.2003, the learned Labour Court directed reinstatement of the Petitioner along with 50% back wages and continuity of service [hereinafter referred to as “Award”].

5. The Respondent filed two petitions before this court challenging the award, being W.P.(C) 16065/2004 and W.P.(C) 16346/2004, both ***captioned D.T.C. v. Ranbir Singh***. Both these Petitions were dismissed by a common judgment passed by a Coordinate Bench of this Court on 19.11.2015 [hereinafter referred to as the “19.11.2015 Judgment”]. It was held by the Coordinate Bench that the award of 50% of the back wages is justified and that the Award did not suffer from any error. The relevant extract of the 19.11.2015 Judgment is set out below:

*“It is true that the initial burden is on the employee to prove that he was not gainfully employed during, period in question. In the instant case, learned counsel for respondent, on instructions from respondent who is present in the Court, apprised this Court that respondent owns just two bighas of land in Gohana (Haryana) and is merely earning ₹ 25,000/- per annum from the agricultural land and has two handicapped children to support and there is no other source of income. **In such a situation, awarding of 50% of the back wages is fully justified. In the considered opinion of this Court, impugned orders do not suffer from any irrationality nor disclose any palpable error. Finding no substance in the above captioned two petitions, they are dismissed, while leaving the parties to bear their own costs.**”*

[Emphasis Supplied]

6. The 19.11.2015 Judgment was challenged by the Respondent in LPA bearing Nos. LPA 82/2016 and LPA 83/2016. By a common order dated 08.02.2016, this challenge before the Division Bench by the Respondent was



also dismissed. This had led to the filing of the present Petition. The relevant extract of the order dated 08.02.2016 is set out below:

*“7. The factual discussion would reveal that findings of the enquiry were, doubted by the Labour Court. This Court cannot find fault with that decision. The reliance placed by the DTC's management upon the line of cross examination, appears on the surface, to be, convincing but really is not so. The Labour Court noticed that apart from the testimony of the two officials who were part of the checking staff, there was no other material either in the form of names of the passengers, or their statements, on the record. In these circumstances, this Court is of the opinion that with regard to the insufficiency of the materials on record, the concurrent findings bind the DTC. So far as the question of back wages is concerned, one is left wondering how the workman can prove that he was not gainfully employed, i.e., a negative. **The Single Judge noticed that according to the DTC, the workman owned only a small patch of agricultural land and that though he perhaps earned some meagre form of income, he had two handicapped children to support. In the circumstances, therefore, the grant of 50% back wages was just and fair. We entirely concur with this exercise of discretion and hold that the appeals are meritless; they are accordingly dismissed.**”*

[Emphasis Supplied]

7. Learned Counsel for the Petitioner seeks to rely upon a chart annexed as Annexure P-6 along with the Petition showing outstanding arrears of the Petitioner that are due.

8. Learned Counsel for the Respondent, on the other hand, seeks to rely upon an Affidavit dated 05.02.2020, which was placed on record by the Petitioner stating that the Award has been complied with and that the total dues of the Respondent have already been paid. In addition, the Respondent has also filed a Short Affidavit/Counter Affidavit dated 22.10.2021 setting out that the benefits of ACP/MACP have also been paid to the Petitioner.

8.1 It is further stated that the Petitioner was reinstated on 04.07.2016 and that he resumed his duty on 14.07.2016. It sets out that all benefits and dues have already been paid. It is apposite to extract paragraphs 5 and 6 of the Short



2025:DHC:7660



Affidavit/Counter-Affidavit dated 22.10.2021 filed by the Respondent in this behalf, which is set out below:

“5. It is submitted that the award has been complied with, the Petitioner has been reinstated with continuity of service, he has been paid 50% back-wages and also has been given the benefits of ACP/MACP as and when it became due.

*As per the award the **Petitioner was paid an amount of Rs.10,13,112/- pursuant to order under section 17 B application, he was also paid 50% back-wages w.e.f 05.09.1994 to 31.01.2016 amounting to Rs.6,53,049/- on 13.10.2016 and later was paid the difference after Revision of Pay after grant of ACP/MACP benefits an amount of Rs. 9,00,157/- on 28.05.2019 for the entire period till reinstatement.** The copy of calculation sheet is annexed herewith and marked as Annexure R/1.*

6. Further, the Petitioner vide affidavit dated 04.02.2020 has sought as follows:

S.No.	Particulars	Amount
A.	50% salary not paid for the period 19.11.2015 to 14.07.2016	Rs. 175,198/-
B.	Interest on Rs. 653,049/- @ 12% from the period Nov. 2015 to Nov. 2016 (1 year) Paid on Nov. 2016 but was due and payable in Nov. 2015	Rs. 78,366/-
C.	Interest on Rs. 900,157/- @ 12% from the period Nov, 2015 to 14.06.2019 (31/2 years) Paid on 15.06.2019 but was due and payable in Nov 2015	Rs. 378,006/-
D.	50% of the salary not paid from the date of the award till reinstatement i.e. 16.07.2003 to 14.07.2016	Rs. 14,11,541/-
	Total outstanding	Rs. 21,91,113/-

In reply to the above it is stated that the payments were made as under:



2025:DHC:7660



Particulars	Bill Period	Date of payment/ court order	Amount paid	Amount with interest @6%	Amount with interest
Court attachment/ section 17B	After court order		10,13,112/-	NA	
50% wages	05.09.94-31.01.16	13.10.16	6,53,049/-	35,918/- 19.11.15 - 13.10.16 11 months	688,967/-
50% revised with ACP/MACP	05.09.94-31.01.2019 31.07.09-16.06.11	14.06.19	900,157/-	193,535/- 19.11.15 - 14.06.19 (3 yrs 7 months)	10,93,692/-
Total			25,66,318/-		27,95,771/-

A. The Petitioner was reinstated with immediate effect vide letter dated 04.07.2016, however, he resumed duty on 14.07.2016 for reasons best known to him. Further in terms of the award he was paid 50% back-wages from the date of removal till reinstatement as submitted hereinabove and hence nothing is due and payable to him in that regard and nothing muchless Rs. 1,75,198/- is due and outstanding. Further, this component is demanded twice over as evident from demand at column D above.

B. The Petitioner is not entitled to any interest muchless Rs. 78,366/. It is submitted that the Respondent after passing of the award availed of the remedies available under law by filing a Writ Petition as also LPA and also paid all payments in terms of the award. Further, there is no direction whatsoever to pay any interest.

C. The workman was paid the difference of ACP/MACP on revised scales amounting to Rs. 900,157/- as and when it became due after the dismissal of LPA and his reinstatement. Thus there is no entitlement to any interest, further there was no such direction to pay any interest.

D. The Petitioner was paid 50% back-wages as per the award and nothing remains any further to be paid to the Petitioner."

[Emphasis supplied]



2025:DHC:7660



9. Learned Counsel for the Respondent has also submitted in its Short Affidavit/Counter-Affidavit dated 22.10.2021 that a total sum of Rs.27,95,771/- inclusive of interest has been paid to the Petitioner and which includes interest as well. He further submits that the Petitioner is not entitled to any interest since there is no direction for payment of interest. Lastly, it is contended that nothing further remains to be paid to the Petitioner.

10. As stated above, what the Petitioner is seeking before this Court is to enforcement of the orders passed by the Coordinate Bench as well as the Division Bench of this Court.

11. This Court in the judgment of *Sh. Ved Prakash v. Delhi Transport Corporation*¹, while examining a similar issue, relied on the judgments of the Supreme Court in *Namer Ali Choudhury and Ors. v. The Central Inland Water Transport Corporation Ltd. & Anr.*² and *Haryana State Coop. Land Development Bank v. Neelam*³ to dismiss a similar claim with the liberty to the Workman to take appropriate remedies before the learned Labour Court.

11.1 It was held therein that the provisions of Sections 11(9) as well as Section 33C(2) of the Industrial Disputes Act, 1947 [hereinafter referred to as the “ID Act”] provide for an alternative remedy for filing petitions before the learned Labour Court or the Civil Court. This Court in the *Ved Prakash* case has held as follows:

“16. Learned Counsel for the Petitioner submits that the remedy for non-compliance or non-action of an award or judgment lies before the present Court by filing of a fresh writ petition in accordance with the **T.N. State Corporation** case. However, this contention is without any merit.

¹ 2025:DHC:7005

² (1977) 4 SCC 575

³ (2005) 5 SCC 91



2025:DHC:7660



17. **Where recovery is to be made with respect to amounts due to a workman, the workman is required to invoke the provisions of Section 33C(2) of the ID Act which provides that where a workman is entitled to receive from the employer any money or benefits computed in terms of money, the question should be decided by a Labour Court as specified by the appropriate government.** Section 33C(2) of the ID Act reads as follows:

“33C. Recovery of money due from an employer.-

(1) ...

*(2) **Where any workman is entitled to receive from the employer any money or any benefit** which is capable of being computed in terms of money **and if any question arises as to the amount of money due or as to the amount at which such benefit should be computed, then the question may**, subject to any rules that may be made under this Act, **be decided by such Labour Court** as may be specified in this behalf by the appropriate Government within a period not exceeding three months:*

Provided that where the presiding officer of a Labour Court considers it necessary or expedient so to do, he may, for reasons to be recorded in writing, extend such period by such further period as he may think fit.

(3)...

(4)...

(5)...

Explanation.- In this section “Labour Court” includes any Court constituted under any law relating to investigation and settlement of industrial disputes in force in any State.”

[Emphasis supplied]

17.1 The Supreme Court in **Namer Ali Choudhury And Ors. v. The Central Inland Water Transport Corporation Ltd. & Anr.**⁴, has held that where any workman is entitled to receive **from employer any money and if any question arises from any amount of money due, then such question will be decided by the Labour Court.** The Court held that the expression “if any question arises as to the amount of money due” under Section 33C(2) of the I.D. Act embraces within its ambit the rate or quantum of such amount that the workman is entitled to receive from the employer under an Award. It is apposite to set out the relevant extract of **Namer Ali Choudhury** case:

“4. In our judgment the High Court has committed an error in so

⁴ (1977) 4 SCC 575.



narrowly interpreting Section 33-C(2) of the Act. The said provision runs as follows:

“Where any workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money and if any question arises as to the amount of money due or as to the amount at which such benefit should be computed, then the question may, subject to any rules that may be made under this Act, be decided by such Labour Court as may be specified in this behalf by the appropriate Government.”

*There are two parts of the sub-section as it stands after its amendment by Act 36 of 1964. The first part is concerned with the money claim simpliciter and the second part speaks about computation in terms of money of any benefit to which the workman is entitled. Although for appreciation of the point at issue there is no substantial difference between the two, we shall confine our discussion to the money claim only pure and simple. **On a plain reading of the wordings of the statute it would be found that where any workman is entitled to receive from employer any money and if any question arises as to the amount of money due, then the question may be decided by the Labour Court. The expression “if any question arises as to the amount of money due” embraces within its ambit any one or more of the following kinds of disputes:***

- (1) Whether there is any settlement or award as alleged?**
- (2) Whether any workman is entitled to receive from the employer any money at all under any settlement or an award, etc.?**
- (3) If so, what will be the rate or quantum of such amount?**
- (4) Whether the amount claimed is due or not?**

Broadly speaking, these will be the disputes which will be referable to the question as to the amount of money due. If the right to get the money on the basis of the settlement or the award is not established, no amount of money will be due. If it is established, then it has to be found out, albeit, it may be by mere calculation, as to what is the amount due. For finding it out, it is not necessary that there should be a dispute as to the amount of money due also. The fourth kind of dispute which we have indicated above obviously and literally will be covered by the phrase “amount of money due”. **A dispute as to all such questions or any of them would attract the provisions of Section 33-C(2) of the Act and make the remedy available to the workman concerned.**”

[Emphasis Supplied]

18. The history of this case reveals that the Petitioner has filed multiple proceedings before this Court and in pursuance thereof has been granted



2025:DHC:7660



adequate relief as well. This has been referred to hereinabove. The Respondent has stated that all payments have already been made, the Petitioner has however instead of availing of the effective efficacious remedy as is provided under Section 33C(2) of the ID Act and filed the present Petition.

XXX

XXX

XXX

21. **The sum and substance of Petitioner's case is that illegal deductions had been made from the legitimate dues of the Petitioner pursuant to the judgement of the Co-ordinate Bench dated 25.10.2018.**

It is the case of the Petitioner that deductions of these details came into his knowledge only after he filed a contempt petition in Contempt Case (C) No. 750/2020 seeking computation of full back wages and consequential benefits in terms of the judgement dated 25.10.2018 and when the Respondent complied with the same. Thus, the Petitioner's case is limited only to improper calculations made by the Respondent in complying with the judgement dated 25.10.2018.

XXX

XXX

XXX

22. In any case, the **remedy for execution of an Award passed by the Labour Court under the I.D. Act is specifically provided under Section 11(9) of the said Act. Section 11(9) stipulates that every Award made by a Labour Court shall be executed in the same manner as an order or decree of a civil court in accordance with the procedure laid down in Order XXI of the Code of Civil Procedure, 1908. Since such a remedy is already expressly provided in the I.D. Act, this Court cannot be called upon to assume the role of an Executing Court.** It is apposite to set out Section 11(9) of the I.D. Act as follows:

11. Procedure and powers of conciliation officers, Boards, Courts and Tribunals.

...
(9) Every award made, order issued or settlement arrived at by or before Labour Court or Tribunal or National Tribunal shall be executed in accordance with the procedure laid down for execution of orders and decree of a Civil Court under order 21 of the Code of Civil Procedure, 1908 (5 of 1908).

23. Since the reliefs prayed by the Petitioner in the present Petition are such where an effective and efficacious remedy has been set out by the statute, i.e., I.D. Act, and would involve examination of disputed contentions of the parties, which is not permitted under Article 226 of the Constitution of India, 1950, the Petition is dismissed. Liberty is however, granted to the Petitioner to seek an appropriate remedy in accordance with the law, if any grievance of the Petitioner remains.”

[Emphasis supplied]



2025:DHC:7660



12. This Court thus held that since there two specific alternate remedies have been provided for, a Writ Petition would not be maintainable.

13. In the present case, by an Award dated 16.07.2003, the Petitioner was directed by the learned Labour Court to be reinstated with back wages and continuity of service. This award was challenged by the Respondent and by the Judgment dated 19.11.2015, the Coordinate Bench upheld the Impugned Award and dismissed the challenge by the Respondent. The Judgment dated 19.11.2015, was again challenged by the Respondent in Letters Patent Appeal [LPA], and the LPAs were also dismissed by a judgment of the Division Bench on 08.02.2016.

13.1 The Petitioner was subsequently reinstated by the Respondent. Subsequently, the Petitioner has filed the present Petition seeking payment/enforcement of the Impugned Award. The prayers in the present Petition seek a direction to the Respondent to pay the dues in the sum of Rs.15,640,40/- of the Petitioner. While the Petitioner states that approximately Rs.15.6 lacs are due, it is case of the Respondent that all the dues of the Petitioner have already been paid. Thus, and in terms of the provisions of Section 11(9) of the ID Act as read with Section 33C(2) of the ID Act, in the opinion of this Court, relying on the judgment in the *Ved Prakash* case, the remedy of the Petitioner does not lie before this Court.

14. The Petitioner in the present case is also seeking the remedy of enforcement of an award, which remedy is already provided for under Section 11(9) of the ID Act which, reads as follows:

“11. Procedure and powers of conciliation officers, Boards, Courts and Tribunals.—

(9) Every award made, order issued or settlement arrived at by or before



2025:DHC:7660



Labour Court or Tribunal or National Tribunal shall be executed in accordance with the procedure laid down for execution of orders and decree of a Civil Court under order 21 of the Code of Civil Procedure, 1908 (5 of 1908).

[Emphasis supplied]

- 15 In any event, the reliefs sought by the Petitioner would require the Court to examine the disputed contentions of the parties.
16. The Petition is accordingly dismissed.
17. However, liberty is granted to the Petitioner to take appropriate steps in accordance with law before the appropriate forum.
18. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

AUGUST 21, 2025/ ha/pa