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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6515/2024, CM APPL. 59496/2025 & CM APPL. 66875/2025

SURESH KUMAR SHARMA

.....Petitioner

Through: Mr. Fidel Sebastian, Adv. through Vc.

versus

REGIONAL LABOUR COMMISSIONER (CENTRAL) AND ORS

.....Respondents

Through: Mr. Kanavir Singh, SPC with Mr.
Vivek Nagar, GP for R-1.

Mr. Arvind Nigam, Sr. Adv. with Mr.
M. Chaudhry, Ms Swet Shikha, Ms.
Shreya, Mr. Vivek Kaushal, Ms.
Sakshi Jain, Advs. for R-3.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

10.12.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Articles 226 and 227 of the Constitution of India, 1950, seeks the following prayers: -

“(a) issue a Writ in the nature of Certiorari or any other appropriate Writ order or direction against the Respondents thereby setting aside the order dated 16.11.2022 passed by Respondent No. 12;
(b) issue an appropriate Writ, Order or direction directing the Respondent No.1 to initiate proceedings u/s 33 (c) (1) of the I D Act against and in the event of the failure of Respondent No.2 to make payment of amount due to the petitioner, recovery certificate may be directed to be issued to Respondent No. 1;
(c) Cost of the proceedings may be directed to be paid to the Petitioner;
(d) pass any other order or orders in favour of the Petitioner which this Hon'ble Court may deem fit & proper in the facts & circumstances of the present Petition may also be passed in favour of the Petitioner and against the Respondents.”

3. The present petition challenges the order dated 16.11.2022 passed by



the Office of the Dy. Chief Labour Commissioner (Central), on an application moved on behalf of the petitioner under Section 33C(1) of the Industrial Disputes Act, 1947. While disposing of the said application, learned Regional Labour Commissioner, Central, New Delhi, passed the impugned order wherein, it has been recorded as under: -

“This is an application filed by Sh. S.B. Shaily Gen. Secretary, Delhi General Workers Union on behalf of Sh. S.K. Sharma S/o Sh. Inder Pal Sharma, (Worker) under Section 33 C (1) of the Industrial Disputes Act 1947, for recovery of dues.

On careful perusal of the claim file it has been observed that a sum of Rs. 10,00,503/- has been claimed by the workman by his own computation based on the difference of pay arrear.

In the above regard, it must be noted that this Authority is entrusted only with the powers to deal with the claims filed under Section 33 C (1) wherein, the dues are pre-determined in the award or settlement itself. The amount has not determined by the CGIT or any Labour Court.

In view of the above, the undersigned Authority of is of the considered opinion that the subject matter of the instant claim does not fall under the provision of Section 33 C (1).

The claim application is disposed of accordingly.”

(Emphasis supplied)

4. Attention of this Court has been drawn to the award dated 18.07.2018 passed by learned Central Government Industrial Tribunal-Cum-Labour Court-I, Dwarka Courts Complex, New Delhi on the complaint/application filed on behalf of the petitioner under Section 33A of the ID Act, whereby, the learned Industrial Tribunal had passed the following order: -

“27. Having regard to the legal position as discussed above and the fact that the claimant was performing duty to a post of regular and perennial nature, coupled with the fact that he did not render, any service to the Management since the date of his termination, **this Tribunal is of the firm view that the claimant is entitled to reinstatement into service, with 50 per cent back wages, inasmuch as the order of termination of the claimant/workman**



being in violation to the proviso of Section 33(2)(b) of the Act is per-se void and inoperative Award is passed accordingly.”
(Emphasis supplied)

5. In view of the specific directions in the aforesaid award dated 18.07.2018 passed by learned Central Government Industrial Tribunal-Cum-Labour Court-I, Dwarka Courts Complex, New Delhi, the impugned order dated 16.11.2022 passed by Office of the Dy. Chief Labour Commissioner (Central) on the application under Section 33C (1) of the ID Act, 1947 cannot be sustained.

6. In these circumstances, the matter is remanded back to the Dy. Chief Labour Commissioner (Central) to decide the application under Section 33C(1) of the ID Act, 1947 in accordance with law after hearing the concerned parties by a reasoned and speaking order. Let the matter be listed before learned Regional Labour Commissioner, Central, New Delhi, on 13.01.2026. The petitioner is directed to appear before the learned Regional Labour Commissioner on the said date.

7. The present petition is disposed of with the aforesaid directions.

8. Copy of the order be sent to learned Regional Labour Commissioner, Central, New Delhi, for necessary information and compliance.

9. Pending application(s), if any also stand disposed of.

CM APPL. 77981/2025(for deleting respondent no. 3/ Delhi International Airport Limited from array of parties)

10. The present application filed on behalf of the respondent No. 3 under Order 1 Rule 10 read with Section 151 of the CPC seeks the following prayers:

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“a) Allow the present application and delete the name of the



Respondent No. 3/ Delhi International Airport Limited from the array of parties in the present Writ Petition; and
b) Pass any other order (s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice.”

11. Learned Senior Counsel appearing on behalf of the respondent no. 3/ applicant submits that the said respondent was never a party before the Industrial Tribunal and therefore cannot be made a party to the application filed on behalf of the petitioner under Section 33C(1) of the ID Act, 1947 for execution of the aforesaid award dated 18.07.2018.

12. Learned counsel for the petitioner/ non-applicant submits that the present application may be allowed without prejudice to the rights and contentions of the petitioner for moving an appropriate application before the Dy. Labour Commissioner seeking impleadment of respondent no. 3/ Delhi International Airport Limited.

13. In view of the above, the application is disposed of by deleting respondent no. 3/ Delhi International Airport Limited from the array of the parties in the present petition.

14. Needless to state that on an application being moved by the petitioner/ non-applicant before the Regional Labour Commissioner for seeking appropriate relief *qua* the aforesaid respondent, the same shall be decided by the concerned Authority in accordance with law.

15. The present application is disposed of.

AMIT SHARMA, J

DECEMBER 10, 2025/kr