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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 16269/2025,CM APPL. 66524/2025 & CM APPL.
66525/2025

SAKIRUN NISHA

.....Petitioner

Through: Ms. Shruti Munjal, Advocate.
versus

DEPARTMENT OF EDUCATION AND ORS.Respondents

Through: Ms. Avnish Ahlawat, Standing
Counsel for GNCT with Ms. Aliza
Alam & Mr. Mohnish Sehrawat, Advs.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

27.10.2025

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

“It is, therefore, most respectfully prayed that the Hon’ble Court may graciously be pleased to:

A. Issue a Writ of Certiorari seeking quashing and setting aside the illegal, arbitrary, unjust, malafide, unwarranted and without jurisdiction action vide Order dated 05.07.2025 in Misc DJ No. 241 of 2025 filed in LIR No. 187/2019 titled as “Sakirun Nisha vs Deputy Director Education & Ors.” by the Ld. POLC-06, Rouse Avenue District Court, New Delhi whereby the Petitioner’s Application under Section 151 of the Code of Civil Procedure, 1908 read with Rule 28 of the Industrial Disputes (Central) Rules, 1957 seeking clarifications / rectification of the order dated 14.11.2022; and/or

B. Issue a Writ of Mandamus directing the Ld. Labour Court to rectify / clarify the order dated 14.11.2022 to the extent that the cost of Rs.



50,000/- imposed upon the Respondent No. 4 be paid to the Petitioner; and/or

C. Pass any other such or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.”

3. The petitioner was working with respondent No.2 as a security guard through the contractor, *i.e.*, respondent No.3 and was terminated from her services 09.08.2017. Respondent No.4/management No.4 is the successor agency to which the contract was granted by respondent No.1/Directorate of Education. Thereafter, a claim, LIR No.187/2019, was preferred by the petitioner against the respondents/managements before the learned Labour Court under Section 10(1)(c) of the Industrial Disputes Act, 1947, regarding her illegal termination.

4. In the proceedings before learned Labour Court, respondent No.4's opportunity to file written statement was closed on 02.11.2019. Thereafter, *vide* order dated 23.01.2020, learned Labour Court permitted to take on record the written statement of respondent No.4 subject to payment of cost of Rs.25,000/- with directions to deposit Rs.15,000/- in favour of Institute engaged in welfare of Animals and Birds and remaining Rs.10,000/- to the petitioner and the matter was listed for filing of rejoinder to written statement of respondent No.4, production of documents and re-framing of issues on 06.03.2020. The order dated 23.01.2020 reads as under: -

“23.01.2020

Present: Sh. S.K. Sharma, AR for worklady.

Worklady in person.

Sh. Neeraj Aggarwal, AR for management no.1 and 2.

Management no.3 is already ex-parte.



Sh. Bidyadhar Sethi, Sr. Executive on behalf of management no.4. Since matter was fixed for WE and reply and arguments on the application of the worklady to produce certain documents. At this stage, AR for management no.1 and 2 submits that he has received the copy of affidavit of worklady at a later stage. He further submits that officials of management no.1 and 2 are busy in upcoming elections, therefore, he could not get prepared reply to the application of the workman. Heard. Time granted. At this stage, Sh. Bidyadhar Sethi, Sr. Executive on behalf of management no.4 filed written statement on behalf of management no.4. On perusal of record it is revealed that opportunity of the management no.4 to file written statement has already been closed vide order dated 02.11.2019. However, written statement on behalf of management no.4 be taken on record subject to cost of Rs.25,000/, out of which Rs.10,000/shall be paid by the management no.4 to the worklady on next date of hearing and the rest of Rs.15,000/shall be deposited by the management no.4 with any institute running for the welfare of Birds or Animals.

The management no.4 is also directed to place the receipt of deposit of aforesaid cost of Rs.15,000/on judicial file on or before next date of hearing. It is also made clear that the management no.1 shall not claim exemption of the aforesaid cost of Rs.25,000/under Income Tax.

Matter adjourned.

Matter be listed for filing of rejoinder, if any, to WS of management no.4, production of documents and reframing of issues on 06.03.2020.”

5. On 06.03.2020, it was noted by learned Presiding Officer that the cost in terms of order dated 23.01.2020, has not been deposited by respondent No.4 and in view of the same, the latter was proceeded *ex-parte* and the written statement filed by respondent No.4 was directed to be not read in the aforesaid LIR. The recovery warrants were directed to be issued against respondent No.4 through concerned learned Senior Civil Judge having jurisdiction to recover the costs of Rs.25,000/- as arrears of land revenue and learned Senior Civil Judge was further directed to deposit the amount of Rs.25,000/- with the learned Labour Court and a copy of the order was also sent for necessary



action and compliance.

6. Subsequently, an application was filed on behalf of respondent No.4 seeking recall of order dated 23.01.2020 and following order was passed by learned Labour Court on 14.11.2022: -

“An application has been moved by management No. 4 to recall the order dated 23.01.2020. The conduct of the management No. 4 is well depicted on the file. Mr. Vidhyadhar Sethi had been appearing in this matter earlier, thereafter he chosen not to appear, sought setting aside ex-parte order which eventuality was done. Thereafter, he again is not paying the cost. He remained absent meanwhile for number of dates and all of sudden, he resurfaces with the present application. His defence has already been struck off by my Ld. Predecessor. It is very strange that management is coming and absenting on its own wishes.

The application has been straightway argued. The application contains only the facts. It has been mentioned that management was not informed by previous counsel and no other reason comes on the file. The same AR had appeared in the court with application having contents by pointing fingers on other persons and not looking at his own conduct.

In these circumstances, the application in hand stands dismissed with exemplary cost of Rs. 50,000/- further for callous attitude, making wrong facts and tried to mislead the court. If cost of Rs. 75,000/- in total is not paid now then this order will be sent to the concerned authorities for realizing the same.

Some documents have been brought by managements No. 1 and 2.

The affidavit of workman has been tendered. AR for managements No. 1 and 2 and 3 have sought adjournment on the ground that one matter is going on in the court of Sh. Rakesh Sharma, Ld. P. O. IT having 250 workman and evidence is going on in same and he will not be able to spare the time.”

7. On 08.04.2024, the petitioner preferred an Execution Petition No. 20 of 2024 against respondent No.4 for recovery of the aforesaid costs before



learned Labour Court, New Delhi, which was subsequently, transferred to the Court of competent jurisdiction, and on 27.08.2024, it was renumbered as Ex. 216 of 2024 before learned Civil Judge, Saket Courts, New Delhi. Learned Civil Judge, Saket Courts issued notice to respondent No.4 on 24.12.2024 which was received unserved on 25.02.2025 and it came to the knowledge of the petitioner that respondent No.4 has now moved to Gurugram. *Vide* order dated 29.03.2025, learned Civil Judge, Saket Courts, observed that since respondent No.4 was no longer within the jurisdiction of the Court, therefore, it was imperative that the Execution Petition be transferred before the Court of competent jurisdiction in Gurugram.

8. In the meanwhile, on 12.09.2024 an award passed by the learned Labour Court in favour of the petitioner awarding her a lump sum compensation of Rs.1,50,000/- including litigation expenses.

9. Thereafter, an application, Misc DJ 241/25, under Section 151 of the CPC read with Rule 28 of the Industrial Disputes (Central) Rules, 1957, was filed on behalf of the petitioner before learned Presiding Officer Labour Court, Rouse Avenue, New Delhi, seeking direction to clarify/rectify the exemplary amount of Rs.50,000/- which was imposed on the Management No.4/respondent No.4 *vide* order dated 14.11.2022 to be deposited with decree holder/petitioner and same was dismissed *vide* the impugned order dated 05.07.2025. Learned Presiding Officer on 05.07.2025, while dismissing the aforesaid application, after perusing the orders dated 23.01.2020 and 14.11.2022, passed the following order: -

“ A clear reading of the above para shows that in case the cost remains unpaid, the order dated 14.11.2022 was to be sent to the concerned authority for realizing the same. The order nowhere says



that the cost of Rs. 50000/- which was imposed on that day was to be paid to the worklady. The cost which was to be paid to the worklady i.e. Rs. 10000/- as per order dated 23.01.2020 has already been clarified in the said order and thus, the worklady is only entitled to receive a sum of Rs. 10000/- from management no. 4 as per order dated 23.01.2020 and not Rs. 50000/- as claimed vide the present application under Section 151 of CPC.

Application disposed off in these terms. Copy of order be given dasti as prayed.”

10. Learned counsel for the petitioner submits that in the impugned order, learned Labour Court has failed to note the fact that there was no direction as to whom the costs of Rs.50,000/- imposed on respondent No.4 *vide* order dated 14.11.2022 is to be paid and the application, Misc DJ 241/25, filed on behalf of the petitioner seeking the clarification of the same was wrongly dismissed. It is submitted that earlier, costs of Rs.10,000/- out of total amount of Rs.25,000/- was directed to be paid to the petitioner by respondent No.4 by learned Labour Court *vide* order dated 23.01.2020 and on the same lines, the costs of Rs.50,000/- can also be paid to the petitioner. It is pointed out that even in the award passed on 12.09.2024 in favour of the petitioner, there was no reference regarding the deposition of the said costs.

11. Heard learned counsel for the petitioner and perused the record.

12. Perusal of the order dated 14.11.2022 shows that learned Labour Court was deciding the application moved by respondent No.4/management seeking recall of order 23.01.2020 which was dismissed with exemplary cost of Rs.50,000/- and the order was sent to the concerned authorities for realising the said cost. However, it has not been mentioned in the said order as to whom the said amount is to be paid after realisation. The petitioner had filed the aforesaid application seeking direction to clarify/rectify the exemplary



amount of Rs.50,000/- which was imposed on respondent No.4 to be deposited with the petitioner and the same was dismissed by learned Labour Court on 05.07.2025 with the observations as noted hereinbefore. It is also pertinent to note that even in the award dated 12.09.2024 there is no reference or discussion as to who would be entitled to the said costs.

13. This Court is of the opinion that the issue as to whom the aforesaid costs of Rs.50,000/- is to be paid needs clarification. In these circumstances, it would be in the interests of justice, if the matter is sent to the learned Labour Court for clarification of order dated 14.11.2022 and taking fresh decision on the application filed by the petitioner.

14. The present petition is disposed of with the aforesaid direction.

15. Pending applications, if any, also stand disposed of accordingly.

16. Parties shall appear before the learned Labour Court on 14.11.2025.

17. Copy of the order be sent to the learned Presiding Officer, Labour Court-06, Rouse Avenue, District Courts, New Delhi, for necessary information and compliance.

18. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

OCTOBER 27, 2025/bsr/ns