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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 345/2026**
MUNICIPAL CORPORATION OF DELHIPetitioner
Through: Advocate (appearance not given)
versus
SH. SAMARJEET SINGH & ANR.Respondent
Through: Ms. Meghna De, Mr. Ishaan Goel,
Ms. L. Gangmei, Advs.
Dr. Divya Swamy, Mr. Anubhav
Agrawal, Ms. Nidhi Kumar, Advs.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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26.02.2026

1. The present petition alleges wilful disobedience/non-compliance of the directions contained in the order dated 17.12.2025, passed by this Court in W.P.(C) 19147/2025. The operative direction therein reads as under:-

12. In the meantime, the Execution Court shall not proceed with respect to recovery proceedings *qua* the period commencing from 10.11.1986 till 19.07.1993.

2. It is the case of the petitioner that despite the aforesaid direction, the execution proceedings have continued against the petitioner and a recovery certificate dated 06.02.2026 (Annexure P-3) has been issued. The recovery certificate dated 06.02.2026 reads as under:-

Sub: -Recovery Certificate in favour of Sh. Samarjeet Singh S/o Lt. Sh. Prem Singh (BMID No. 10027774).

Whereas an application U/s 33-C(1) of the I.D. Act, 1947 has been received on 19.11.2025 under Section 33 C(1) of the I.D. Act, 1947 from Sh. Samarjeet Singh S/o Lt. Sh. Prem Singh through authorized representative of the workman C/o 8, School Lane, Second Floor, Bengali Market, New Delhi-110001 stating therein that an award in I.D. No. 384/2016 (New) 229/2015 (Old) dated 30.04.2025 by Sh. Mohinder Virat, the Presiding Officer, Industrial Tribunal-I, Rouse Avenue District Courts, New Delhi between in the matter of Sh. Samarjeet Singh S/o Lt. Sh. Prem Singh Versus the management of North Delhi Municipal Corporation, through its Commissioner (North), (now known as Municipal Corporation of Delhi, Dr. S.P. Mukherjee Civic Centre, J.L. Nehru Marg, Minto Road, New Delhi – 110002), through its Commissioner.



Para 40 of the award dated 30.04.2025 which is as under: -

Relief:

"In view of findings of this Tribunal as discussed above, this Tribunal holds that the workman Sh. Samarjeet Singh S/o Lt. Sh. Prem Singh is entitled for regularization of his services on the post of Draftsman (Civil) w.e.f. his initial date of joining i.e. 10.11.1986 in regular pay scale with all consequential benefits either monetary or otherwise. The management is directed to implement this award within a period of 60 days of its publication failing which it will be liable to pay an interest @8% p.a. from the date of terms of reference i.e. 21.09.2015 till its realization. The award is passed accordingly."

And whereas the claimant has stated that award was published on 26.09.2025 and became enforceable w.e.f. 25.10.2025 and you have not implemented the same.

It is brought to your notice that the award is binding on the parties as per the provision of section 18 of the I.D. Act, 1947 and non-Implementation is punishable under section 29 of the said Act.

The claimant AR has mentioned there in his claim the Management has neither implemented the award nor paid the amount on account of difference of salary, difference of pension, difference of gratuity & difference of leave encashment for the period 10.11.1986 to 31.10.2025 that the total amount comes to Rs. 56,95,143/- alongwith 8% interest p.a. from the date of terms of reference i.e. 21.09.2015 till its realization.

And whereas subsequent notice dated 26.11.2025 has been issued to the management for implementation of the award. In response of the notice the management representative Ms. Preksha Gour (Advocate) appeared on 04.12.2025 and received the copy of claim alongwith calculation sheet in respect of Sh. Samarjeet Singh S/o Lt. Sh. Prem Singh and the matter is fixed for further proceedings 18.12.2025 but it neither filed any reply nor objected regarding calculation sheet which is filed by claimant AR and not implemented the award till date. The management approached the High Court of Delhi against the award dated 30.04.2025 in W.P.(C) No. 19147/2025 in which the Hon'ble High Court passed an order dated 17.12.2025 as mentioned in "Para 12: In the meantime, the execution court shall not proceed with respect to recovery proceedings qua the period commencing from 10.11.1986 till 19.07.1993." The amended calculation chart submit by ARW for the period 20.07.1993 to 31.10.2025 & difference of leave encashment that comes to Rs. 55,61,039/- alongwith 8%

at p.a. from the date of terms of reference i.e. 21.09.2015 till its realization as per Hon'ble High Court of Delhi order dated 17.12.2025. Copy of amended calculation chart has been given to ARM. Hence, the matter is fixed for further proceedings i.e. 29.12.2025, 14.01.2026 & 03.02.2026.

And whereas subsequent show cause notice dated 27.01.2026 has been issued to the management for implementation of the award. In response of the show cause notice the management representative Ms. Preksha Gour (Advocate) ARM appeared on 03.02.2026 but neither filed any reply nor objected regarding calculation sheet which is filed by Authorized Representative of the workman.

The award passed in the matter of Sh. Samarjeet Singh S/o Lt. Sh. Prem Singh versus the management of North Delhi Municipal Corporation through its Commissioner (North) (now known as Municipal Corporation of Delhi) Dr. S.P. Mukherjee Civic Centre, J.L. Nehru Marg, Minto Road, New Delhi-110002, through its Commissioner and published by District Central being competent vide order No. DLC/SD/MCD/2022/4322-4326 dated 01.08.2022 issued by the Additional Labour Commissioner as the Headquarters of the MCD fall under the jurisdiction of District Central. The cases of the then three Municipalities i.e. EDMC, NDMC, & SDMC where including District Central will work unified MCD in the given jurisdiction area.

As per Gazette Notification No. F. No. CWP 8110/2016/Lab/1811 dated 05.07.2019 and in compliance of Hon'ble High Court of Delhi in W.P.(C) No. 8092/2016 titled as Sh. Santosh Kumar Jha Vs Deputy Labour Commissioner (South) issued by Sh. Rajender Dhar, Addl. Secretary issued by order in the name of Lt. Governor of the National Capital Territory of Delhi. According to A (iii) The guidelines to be followed by the Labour Department is as under: -

"Not more than two opportunities shall be provided to the defaulter management to Show Cause why award of the Labour Court/Tribunal has not been implemented and why recovery certificate be not issued against the management."

In view of this the Authority has no option but to implement the award of the Court by issuing Recovery Certificate.

It is therefore, requested to recover the amount of **Rs. 55,61,039/- (Rs. Fifty Five Lakhs Sixty One Thousand & Thirty Nine Only)** alongwith 8% interest p.a. from the date of terms of reference i.e. 21.09.2015 till its realization from the management of North Delhi Municipal Corporation, Through its Commissioner (North) (now known as Municipal Corporation of Delhi, Dr. S.P. Mukherjee Civic Centre, J.L. Nehru Marg, New Delhi - 110002 its Commissioner) in the form of demand draft in favour of workman Sh. Samarjeet Singh S/o Lt. Sh. Prem Singh as arrears of land revenue U/s 33 (C) (1) of the Industrial Disputes Act, 1947 and send the same to this office for further disbursement to workman.



3. Issue notice.
4. Learned counsel, as aforesaid, accepts notice on behalf of the respondents.
5. Learned counsel for the respondent categorically submits that the recovery certificate dated 06.02.2025 is not for the period referred to in the aforesaid order dated 17.12.2025 passed by this Court in W.P.(C) 19147/2025.
6. In the circumstances, let the said recovery certificate be given effect to only after verification of the aforesaid aspect by the concerned Delhi Labour Commissioner.
7. The respondents are at liberty to submit the calculation on the basis of which the recovery certificate has been issued (clearly indicating the period for which it pertains); let the same be verified by the concerned Delhi Labour Commissioner and the recovery certificate be acted upon only if it pertains to a period which does not overlap with the period as referred to in the order dated 17.12.2025. The objection of the petitioner shall be duly taken into account by the concerned Delhi Labour Commissioner.
8. The petition is disposed of in the above terms.

SACHIN DATTA, J

FEBRUARY 26, 2026/uk