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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4024/2026 & CM APPL. 19673-19676/2026**

NANDA BOISHYA AND ORS

.....Petitioners

Through: None.

versus

THE ASHOK AND ORS.

.....Respondents

Through: Ms. Sumitra Chaudhary, Mr. M.K. Raghav Raman, Ms. Nitya Sharma, Ms. Jasmine Sheikh, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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21.04.2026

1. There is no appearance on behalf of the Petitioners.
2. Nevertheless, with the assistance of counsel for the Respondents, the Court has perused the record. The Petitioners are ex-servicemen engaged as security guards at Ashok Hotel, Chanakyapuri, New Delhi. Their grievance pertains to non-payment of wages for the period from 12th June, 2022 to 31st March, 2023. The claim is founded on order dated 17th June, 2022 passed in *W.P.(C) 9511/2022*, wherein a statement was made on behalf of the Respondents that the Petitioners would be taken back into service
3. It is the Petitioners' case that despite the aforesaid order, they were not permitted to rejoin duties. This led to the filing of *Cont. Cas (C) No. 708/2022* alleging non-compliance of the order dated 17th June, 2022. The said contempt petition came to be disposed of with liberty to the Petitioners to pursue appropriate remedies. Thereafter, the Petitioners filed *CM Appl.*



No. 45053/2022 in W.P.(C) 9511/2022 seeking clarification of the order dated 17th June, 2022, which was disposed of *vide* order dated 03rd November, 2022, clarifying that the Respondents could not insist upon eligibility conditions for permitting the Petitioners to rejoin.

4. The Respondents thereafter preferred LPA No. 11/2023 against the orders dated 17th June, 2022 and 03rd November, 2022. The said appeal was disposed of on 13th February, 2023, while leaving the issue of wages, including DGR rates, open to be agitated before the appropriate forum. The Petitioners were ultimately permitted to rejoin duties only on 01st April, 2023.

5. It is in this backdrop that the Petitioners approached this Court by way of W.P.(C) 8779/2023, which was disposed of *vide* order dated 04th July, 2023, directing the Respondents to consider the Petitioners' representation seeking payment of wages for the period from 12th June, 2022 to 31st March, 2023 and pass a reasoned order thereon.

6. The relevant part of the said order reads as follows:

6. After some length of arguments, the learned counsel appearing on behalf of the petitioners made an innocuous prayer that he may be granted liberty to file an appropriate representation/application before the concerned authority within one week.

7. Learned counsel appearing on behalf of the respondent has no objection to the innocuous prayer made by the learned counsel for the petitioner.

8. In view of the innocuous prayer made on behalf of the petitioners and no objection on behalf of the respondent, learned counsel appearing for the petitioners is granted liberty as prayed with direction to file an appropriate representation/application along with the copy of this order within a period of 10 days and after receiving the representation/application, the respondent is directed to dispose of the said representation/application and pass a detailed and reasoned order in accordance with law expeditiously after affording an opportunity of hearing to the petitioners, preferably within a period of six weeks.



Accordingly, the instant petition along with the accompanying application is disposed of with the aforesaid directions.”

7. In compliance with the aforesaid order, the Petitioners submitted a representation before the Respondents on 14th July, 2023. However, no action was taken thereon. In these circumstances, the Petitioners filed another writ petition, being *W.P.(C) 14075/2023*. The said petition was subsequently withdrawn in view of the liberty granted by this Court, with the Petitioners electing to pursue contempt proceedings by filing *Cont. Cas (C) No. 64/2024*.

8. Thereafter, the Respondents disposed of the Petitioners' representation by order dated 07th October, 2025, rejecting their claim, which has led to the filing of the present petition.

9. It is pointed out by counsel for the Respondents that in the aforesaid proceedings, particularly in *LPA No. 11/2023* decided on 13th February, 2023, the Division Bench had expressly observed as follows:

“6. In light of the aforesaid submission made by the learned Counsel for the Respondents/workmen, the Respondents/workmen are free to agitate the issue of DGR Wages before an appropriate forum.”

10. In view of the above, it is evident that liberty has been granted to the Petitioners to agitate the issue of wages, including at DGR rates, before the appropriate forum.

11. It is also pertinent to note that the Petitioners have, in fact, already invoked their remedies under the Industrial Disputes Act, 1947. The dispute was taken up before the Deputy Chief Labour Commissioner; however, the conciliation proceedings were unsuccessful and culminated in a failure



report. The claim relating to wages is thus liable to be adjudicated as an industrial dispute before the competent forum.

12. In these circumstances, this Court finds no ground to entertain the present petition under Article 226 of the Constitution of India, particularly in view of the availability, and invocation, of an efficacious alternative remedy.

13. Accordingly, the present petition is disposed of along with pending application(s), if any. It is nonetheless clarified that the Petitioners shall be at liberty to avail such remedies in terms of paragraph 6 of the order of the Division Bench in *LPA No. 11/2023*.

SANJEEV NARULA, J

APRIL 21, 2026/ab