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

+ **W.P.(C) 7097/2019**

NORTH DELHI MUNICIPAL CORPORATIONPetitioner

Through: Ms. Namrata Mukim, SC for MCD
with Ms. Niharika Singh, Advocate.

versus

SHRI. JASWANT SINGH

.....Respondent

Through: Mr. Anuj Aggarwal, Ms. Anjali
Bansal, Mr. Pradeep Kumar, Mr.
Manas Verma, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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15.05.2026

1. The present writ petition under Articles 226/227 of the Constitution of India has been preferred by the petitioner seeking to assail the Award dated 06.12.2018 passed by the learned Industrial Tribunal-cum-Labour Court No.1, Dwarka Courts, Delhi in ID No.233/2015 whereby the respondent-workman was held entitled to promotion to the post of Senior Field Worker along with consequential benefits.

2. In nutshell, the respondent-workmen had approached the Industrial Tribunal raising an industrial dispute which was referred in the following reference:-

“Whether the action of the management by denying promotion to Shri Jaswant Singh s/o. Shri Hirdey Ram by considerng him 8th Pass is fair and legal ? if not to what relief the workman is entitled to and from which date?”

3. In brief, the facts of the case are that the respondent-workman was



appointed on 24.05.1984 as a *Malaria Beldar* on regular basis, the nomenclature of which was subsequently changed to *Field Worker*. The respondent-workman claimed that he was working in the Malaria Wing of the erstwhile Municipal Corporation of Delhi and that he possessed the requisite qualification for promotion to the post of Senior Field Worker. It is the case of the respondent-workman that the petitioner-management had circulated a provisional seniority list vide office order dated 21.11.2006 wherein his name appeared at Serial No.343 and his educational qualification was reflected as “9th pass”. It was further claimed that in the subsequent seniority list circulated vide office order dated 06.09.2010, his name appeared at Serial No.149. According to the respondent-workman, despite fulfilling all eligibility conditions, he was denied promotion to the post of Senior Field Worker while his juniors were granted promotion w.e.f. 24.10.2011 in the pay scale of Rs.4440-7440 with Grade Pay of Rs.1650/. The petitioner-management contested the claim before the learned Tribunal and took the stand that the respondent-workman was not eligible for promotion as he was “illiterate” and did not fulfill the eligibility criteria prescribed under the Recruitment Rules. It was contended that although the respondent-workman claimed himself to be 9th pass, he had never produced any educational certificate or marksheet in support thereof. According to the petitioner-management, upon scrutiny of the records, the respondent-workman was found ineligible for promotion by the Departmental Promotion Committee in its meeting dated 25.07.2011.

4. The Tribunal, while answering the reference in the affirmative, noted that though the management had raised a preliminary objection regarding non-espousal of the dispute by the Union, the same was not pressed. The



Tribunal further took note of the statement of WW-1, Mr. B.K. Prasad, President of MCD General Mazdoor Union, who deposed that the Union had espoused the cause of the workman.

5. Insofar as the bone of contention, i.e., whether the workman fulfilled the educational criteria in terms of the Recruitment Rules for the post of Senior Field Worker, is concerned, the Tribunal took note of the service book of the workman, which recorded his educational qualification as “matric fail”. Learned Standing Counsel appearing for the petitioner-MCD contended that the Tribunal erred in not taking into account the letter dated 27.12.2016 (Ex.MW-1/3) issued by the petitioner-management, whereby the workman was asked to produce his qualification certificate, which he failed to do, and instead sent a reply Ex.MW-1/4 stating therein that he was “illiterate”. Learned counsel appearing for the respondent-workman, on the other hand, defended the impugned Award by reiterating that the workman fulfilled the educational criteria and was thus wrongly denied promotion by the management.

6. From the above, it is evident that the service book of the workman recorded his educational qualification as “matric fail”. The management, on its part, relied upon two communications, i.e., the letter dated 27.12.2016 issued by it, as well as the reply stated to have been filed by the workman wherein he claimed himself to be “illiterate”. The workman, on the other hand, claimed in the statement of claim that he was 9th pass.

7. In the aforesaid backdrop, it was incumbent upon the management to confront the workman with the aforesaid two letters relied upon by it. However, the same was not done.

8. In the totality of the facts and circumstances of the case, the assertion



of the workman that he was 9th pass, which also finds reflection in the service book maintained by the management itself, goes unrebutted.

9. In view of the aforesaid, this Court does not find any merit in the writ petition and the same is accordingly dismissed.

10. In view of the above, the impugned Award shall be implemented and the consequential benefits, along with arrears, be paid to the workman within a period of four weeks from today.

11. The writ petition is disposed of in above terms.

MANOJ KUMAR OHRI, J

MAY 15, 2026/rd