



\$~43

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

+ **W.P.(C) 11182/2023**

SURENDER PAL

.....Petitioner

Through: Ms. Aayushi Jain, Advocate

versus

**GOVT. OF NCT OF DELHI THROUGH OFFICE OF LABOR
COMMISSIONER & ORS.**

.....Respondent

Through: Mr. Ankit Dwivedi, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

14.01.2026

%

1. By way of the present writ petition, the petitioner seeks to assail the order dated 24.03.2023, passed by the Labour Authority established under the Delhi Shops and Establishment Act, 1954.
2. Learned counsel for the appellant contends that although the respondent has claimed that the appellant's services were terminated on 01.09.2019, the appellant continued to attend to his duties until the commencement of the Covid-lockdown.
3. Learned counsel for the appellant submits that during the pendency of the claim application, the appellant was not in possession of certain documents, which were subsequently filed along with the review application, however, the same were not considered by the concerned authorities. She further submits that the impugned order proceeds on the premise that the wages claimed need to be 'earned wages' and, in view of



the complete denial by the respondent that the appellant had not performed any work after 01.09.2019, the claim application came to be dismissed. She, therefore, prays that one more opportunity be granted to the appellant to place the said documents on record before the concerned Authority.

4. Learned counsel for the respondent, however, opposes the said request by contending that it was the appellant's own case that he had gone for duty but does not state that he was assigned any work..

5. According to the appellant's case, the documents filed along with the review application contain entries in the storeroom register beyond 01.09.2019, which also bear the appellant's signatures. Considering the contention that the aforesaid documents, stated to have been subsequently filed along with the review application, may have a bearing on the matter, and without expressing any opinion thereon, this Court deems it appropriate that the issue be first examined by the concerned Authority.

6. In view thereof, the impugned order is set aside. The appellant shall, accordingly, be afforded an opportunity to lead evidence on the aforesaid aspects, and, if so advised, the respondent shall also be entitled to cross-examine the appellant in that regard.

7. Let the matter be listed before the concerned Authority on 05.02.2026, in the first instance.

DASTI

MANOJ KUMAR OHRI, J

JANUARY 14, 2026

sn