

(2022) 06 DEL CK 0071

In the Delhi High Court

Case No : Civil Writ Petition No. 9003 Of 2022, Civil Miscellaneous Application
No. 27125, 27124, 27126 Of 2022

North Delhi Municipal Corporation

APPELLANT

Vs

Chatar Singh

RESPONDENT

Date of Decision : 01-06-2022

Acts Referred:

Industrial Disputes Act, 1947 — Section 33C(2)

Citation : (2022) 06 DEL CK 0071

Hon'ble Judges : Dinesh Kumar Sharma, J

Bench : Single Bench

Advocate : Namrata Mukim, Garima Jindal, Manorma Masih, Sanjay Gosh, V. Sharma, Mayur Srivastava, R. K . Pandit

Final Decision : Disposed Of

Judgement

Dinesh Kumar Sharma, J

1. The present petition has been filed impugning order dated 18th May, 2022 passed by Sh. Tarun Yogesh, POLC-08/Rouse Avenue District Court, Central Delhi, in LCA 1119/2021, titled as Chatar Singh Vs. North Delhi Municipal Corporation.

2. Today, the similar writ petitions were taken up for hearing wherein also the Corporation Management had challenged the order dismissing the objections in writ petitions bearing W.P.(C) 8943/2022, W.P.(C) 8950/2022, W.P.(C) 8980/2022, W.P.(C) 8982/2022, W.P.(C) 8994/2022, W.P.(C) 8997/2022.

3. I have considered the submissions of both the parties.

4. In writ petitions bearing W.P.(C) 8943/2022, W.P.(C) 8950/2022, W.P.(C) 8980/2022, W.P.(C) 8982/2022, W.P.(C) 8994/2022, W.P.(C) 8997/2022, it was inter alia held as under;

"I consider that at the outset of the corporation as a public body should exercise

utmost and restrain and caution while instituting litigations in the court. The courts are already over-burdened. In the present case the application filed under Section 33-C (2) of the Act is yet to be decided by the labour court. The labour court is only proceeding towards adjudication of this application and is yet to reach to the conclusion that whether there is an entitlement of the workmen or is entitled to any relief under Section 33-C (2) of the Act. The objections raised by the corporation over the order of production of the documents, is also strange. The corporation which is a public body should come forward and aid and assist the court in the dispensation of justice. The Industrial Disputes Act is a welfare legislation, the purpose of which is to assist the labour/workmen to get their disputes settled as expeditiously as possible. The employers and particularly, the Government rather should be more responsible in such litigations. This court would not hesitate in saying that an individual workman cannot have the capacity or might to fight the hefty corporations. The learned labour court had merely called for the records and after seeing them merely stated that the objections which have been raised by the corporation are not maintainable.

Going by the judgment in the Central Bank of India Ltd. vs. P.S.Rajagopalan and Ors. AIR 1964 SC 743, it has been stated in a very categorical term that the word 'entitlement' cannot be read as 'admitted to be entitled'. Therefore, this court without going further into the merits of the case as it may prejudice the corporation in the final decision of the application under Section 33-C (2) of the Act would stop here saying that such writ petition could have been avoided till the matter is finally decided by the courts below. The corporation could have waited for the final adjudication of the matter."

5. Thus, on the basis of parity and with the above observations, present writ petition along with pending applications stands dismissed. However, the petitioner corporation shall have the liberty to challenge the final order if they are aggrieved of the same. The learned Labour Court is well advised to consider all the objections if left unattended in these proceedings while deciding the application under Section 33-C (2) of the Act. It is clarified that this court has not expressed any opinion on the merits of the case.

6. Cost of Rs.1,000/- imposed by the Labour Court be deposited with the Prime Minister Care Relief Fund by the petitioner.

7. Accordingly, the petition stands disposed of.