

(2022) 01 DEL CK 0095

In the Delhi High Court

Case No : Civil Writ Petition No. 7975 Of 2021

North Delhi Municipal Corporation

APPELLANT

Vs

Neeraj Kumar

RESPONDENT

Date of Decision : 05-01-2022

Acts Referred:

Citation : (2022) 01 DEL CK 0095

Hon'ble Judges : Prathiba M. Singh, J

Bench : Single Bench

Advocate : Namrata Mukim, Garima Jindal

Final Decision : Disposed Of

Judgement

Prathiba M. Singh, J

1. This hearing has been done through video conferencing.
2. The present writ petition has already been disposed of in terms of the previous order of this Court dated 9th August, 2021. The petition is now only listed for the purpose of receiving the compliance report on behalf of the Petitioner/NrDMC (hereinafter "NrDMC") for evolving a centralized mechanism for coordination between various departments, including the legal department.
3. In this matter, on the first date of hearing i.e., 9th August 2021, Id counsel for the Respondent- Workman (hereinafter "Workman") who had received an advance copy of this petition for the Respondent- had submitted that the entire amount which was awarded by the impugned order, had been remitted to the Workman on 23rd November, 2020.
4. This Court had then observed that since the writ petition challenging the award of litigation expenses had already been filed by then, and litigation

expenses had also been paid later by the NrDMC to the Workman, in the said writ petition, the factum of the payment to the Workman was not

informed to the Court. Ms. Mukim, Id. Standing Counsel for the NrDMC, submitted that she had been given instructions to the contrary. The Zonal

Engineer, NrDMC, who had then joined the proceedings, informed the Court that despite the filing of the writ petition, the amount was released from

the headquarters level and they were unaware of the same as they had not been conveyed such instructions. Therefore, the writ petition had been

pressed for despite payment. The said submission made on the previous date is recorded in paragraph 6 of the order dated 9th August, 2021, which is

extracted as under:

â??6. Mr. Chaman Lal, Zonal Engineer, Petitioner/Nr.DMC has appeared and submits that he has specifically given instructions to Ms.

Mukim, Id. Standing Counsel for the Petitioner, that the litigation expenses were not paid. This matter was initially passed over and he has

now joined the proceedings and mentions that it is possible that at the headquartersâ?? level, the amount has already been released. He

submits that Mr. Gyan Prakash from the Accounts department had given instructions that the litigation expenses had not been remitted to the

Respondent/Workman. It is clear from the events which have transpired in this writ petition that there is no coordination between the various

departments/offices of the Petitioner/Nr.DMC. This Court has repeatedly seen several cases in which amounts have been awarded to the

workman, bank accounts have been attached and payments have been released. Even thereafter, writ petitions are being filed, as has

happened in the present petition.

5. Under such circumstances, the Court was of the opinion that a centralised mechanism ought to be involved and the following direction was issued:

7. This Court is of the opinion that a centralized mechanism ought to be evolved by the Petitioner/Nr.DMC in order to ensure that there is

coordination between the various departments, including the legal department, so that unnecessary petitions are not filed before the Court.

Further, if there is a genuine challenge before the Court, it must be ensured that the petitions are filed in a timely manner.

6. Pursuant to this order, the compliance affidavit has been filed along with

documents by the NrDMC, showing that an office order bearing No.N-

2011/Law/NorthDMC/2021/886 dated 18th November, 2021, has been issued by the NrDMC, setting out the Standard Operating Procedure

(hereinafter "SOP") in case of labour matters where attachment of bank accounts is involved. The said SOP which is stated to have been

finalised by the NrDMC provides as under:

1. As soon as a claim is raised against the North DMC by workmen, and the Labour Department/department concerned is invited for

conciliation, both these departments should invariably follow such cases and as far possible avoid litigation.

2. In case the dispute is not settled at conciliation level, and same is referred to Labour Court/department of Delhi Govt. the department

should invariably keep record/track of every development in the case and take all possible steps to avoid embarrassment to the department.

3. Wherever notices are received from DC-Labour GNCTD, Labour Department of North DMC should take cognizance and follow such

cases till the end and concerned departments as well as the competent authority in that case shall be notified on developments of that case.

4. Labour department, North DMC should coordinate between department concerned, Law Office of North DMC, and office of the DC

(Labour) so that all developments in the case are get noticed and requisite action on part of North DMC are taken in time.

5. In the event of any adverse decision against North DMC by the Labour Court, the Standing Counsel concerned shall immediately collect

complete details of the case and forward the same along with the copy of the decision to the Chief Law Officer, CLWO for immediate

appropriate actions.

6. Labour Department, North DMC should also appoint a suitable person as Nodal Officer who shall be responsible for collecting all the

details from the office of the DC(Labour) and forward the same for necessary action to the departments concerned.

7. Even after taking all the measures mentioned above, if any attachment orders are passed against the Corporation and orders are served

upon the Banks, the Finance Deptt. should instruct the banks concerned to take North DMC into confidence before implementing the orders

as there is always certain notice periods given for the orders to be complied with so that possibility of any appeal could be explored.

8. All the departments concerned before going for any appeal against any order should invariably confirm from the Labour Department,

North DMC as well as Finance Deptt. Hqrs and or concerned zonal/divisional account department, that there is no attachment effected

against that particular case and that no money has been paid to the workman through any court attachment or otherwise.

9. The Nodal Officer of the Labour Deptt. should conduct bi-monthly meetings with all the departments concerned to monitor the progress of

various labour cases/LCAs and copy of minutes of such meetings should be forwarded to all the Heads of departments/Additional

Commissioners for information.â??

7. In addition, Ms. Namrata Mukim, Id. Counsel, highlights to the Court that the Commissioner, NrDMC has also written to the Labour Commissioner,

Government of NCT of Delhi, placing its stand on record that a short or a brief hearing be given to the NrDMC before attachment orders are passed

or monies are released by the Labour Commissioner, primarily to ascertain if any challenge has been preferred or if any interim orders have been

passed in favour of either party. The said communication dated 25th November, 2021 from the office of the Commissioner, NrDMC to the Labour

Commissioner has been placed on record.

8. Accordingly, a copy of todayâ??s order, the SOP dated 18th November, 2021, along with the said communication dated 25th November, 2021,

addressed to the Labour Commissioner, be forwarded by the Registry of this Court, without any process fee, to Mr. Santosh Tripathi, Standing

Counsel (Civil) for GNCTD, for appropriate follow-up. Ms. Mukim, Id. Counsel may also forward this letter to Mr. Tripathi, Id. Counsel, for ensuring

compliance of todayâ??s order.

9. Copy of todayâ??s order be circulated along with the SOP by the NrDMC amongst all the concerned officials, including the Nodal Officer who is

required to be appointed. The said Nodal Officer shall be appointed within four weeks by the NrDMC, in terms of point no.6 of the said SOP.

10. No further orders are called for in this writ petition. The petition is disposed of.

11. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as

the certified copy of the order for the purpose of ensuring compliance. No physical copy of orders shall be insisted by any authority/entity or litigant.