
(2009) 07 DEL CK 0298

In the Delhi High Court

Case No : Writ Petition (C) No. 8357 of 2007

Shri D.R. Chhatwani

APPELLANT

Vs

Assistant Collector and Others

RESPONDENT

Date of Decision : 15-07-2009

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2009) 07 DEL CK 0298

Hon'ble Judges : S.N. Aggarwal, J

Bench : Single Bench

Advocate : A.K. Jain, for the Appellant; Pankaj Aggarwal, for the Respondent

Final Decision : Disposed Off

Judgement

S.N. Aggarwal, J.—The petitioner Shri D.R. Chhatwani has filed this writ petition under Articles 226 and 227 of the Constitution of India seeking issuance of an appropriate writ, order or directions to respondent No. 1 not to effect any recovery against him on the basis of recovery notice (Annexure P-1 of the petition). The petitioner has also prayed for quashing of the impugned recovery certificates issued by respondents No. 1 & 2 against him so that no recovery can be made against him.

2. The brief facts of the case relevant for decision of this writ petition are that the Labour Court vide its award dated 05.03.2001 had directed respondent No. 6 firm to reinstate the services of respondents No. 3 to 5 with continuity of service and full back wages. This award was against respondent No. 6, as respondents No. 3 to 5 being the workmen, were its employees. It seems that the respondents No. 1 and 2 have issued impugned recovery certificate, being Annexure P-1 to the petition, pursuant to above-mentioned award and seek to effect recovery to which the workmen are entitled against the petitioner.

3. The grievance of the petitioner in this writ petition is that he has no connection of any kind with the respondent No. 6 firm and, therefore, according

to him, the award dated 05.03.2001 in favour of respondents No. 3 to 5 cannot be enforced against him. This specific stand taken by the petitioner in his writ petition has been admitted by respondent No. 6 in para 3 of reply on merits in its counter-affidavit.

4. Mr. Pankaj Aggarwal, counsel appearing on behalf of respondent No. 6 submits that his client admits that petitioner has no connection with respondent No. 6 against whom award in favour of respondents No. 3 to 5 was passed. He says that he has no objection in case this writ petition is allowed. It may be noted that respondents No. 3 to 5 in whose favour the award was passed by the Labour Court have not appeared in response to notice of this writ petition despite service of notice on them, for reasons best known to them.

5. Under the circumstances, I am left with no option but to allow this writ petition. The impugned recovery certificate, being Annexure P-1 to the petition, is quashed. Respondents No. 1 and 2 are hereby directed that no recovery pursuant to award dated 05.03.2001 in ID No. 322/1998 be made from the petitioner.

6. In view of the above, this writ petition stands disposed of.