

(2026) 08 DEL CK 4069
In the Delhi High Court, Principal Bench, New Delhi
Case No : W.P.(C) 136/1988

Union Of India & Anr.

APPELLANT

Vs

Bhushan Lal & Anr.

RESPONDENT

Date of Decision : 03-08-2026

Acts Referred:

Industrial Disputes Act, 1947 — Section 25F, 25 F(b), 25-F(b), 2(j)
Central Civil Service (Temporary Service) Rules, 1965
Constitution of India — Article 309, 226
Administrative Tribunals Act of 1985 — Section 9

Citation : (2026) 08 DEL CK 4069

Hon'ble Judges : Amit Mahajan, J

Bench : Single Bench

Advocate : Mr. S.M. Arif, Mr. S.M. Aatif, Ms. Shabnam Perween, Mr. A.K. De, Ms. Ananya De, Mr. Prasanta Varma, Mr. Rajat Chowdhary, Mr. Rajender Nath Sarma

Final Decision : Disposed Of

Judgement

Amit Mahajan, J.

1. The *W.P. (C) No.136/ 1988* was filed assailing the Award dated 28.04.1987, passed by the learned Central Industrial Tribunal-cum-Labour Court (hereinafter "**CGIT**") in favour of the Workman/Bhushan Lal, holding that the termination of his services was illegal and thus, directing the Petitioner to reinstate him with continuity of service and full back wages.

2. The *W.P. (C) No. 4237/2015* is the cross-petition, filed by the Workman/Bhushan Lal, seeking complete implementation of the aforementioned Award dated 28.04.1987. It is alleged that despite directions passed by this Court *vide* Orders dated 17.10.2011 and 14.11.2011 in *W.P. (C) 3214 /2010*, the award has not been complied.

3. Succinctly stated, the Workman/ Bhushan Lal had approached the learned CGIT raising an industrial dispute claiming that though he had been working with

All India Radio, as a Carpenter in grade 320-400 since 17.12.1981, his services were illegally terminated *vide* Order dated 22.07.1983 (w.e.f. 30.07.1983), without following the due procedure under Section 25F of the Industrial Disputes Act, 1947.

4. *Vide* the Award dated 28.04.2017, the learned CGIT held that the order of termination of the service of the workman is bad for the non-Compliance of the provisions of Section 25 F(b) of the I.D. Act and is void *ab-initio*, thus, directing the All India Radio to reinstate the Workman with continuity of services and full back wages.

5. Aggrieved, the Petitioners assailed the above Award dated 28.04.1987 by way of the present Writ Petition bearing *W.P. (C) No. 136/ 1988*, essentially on the ground that the learned CGIT has erred in holding the *All India Radio* as an "industry" under the I.D. Act, 1947.

6. After hearing the matter, this Court, *vide* Order dated 20.03.1990, transferred the writ to the learned Central Administrative Tribunal. The relevant extract is reproduced herein below: -

*" This writ petition is directed against the order of the Central Government Industrial Tribunal in ID.6/86, decided on 28.4.87, holding that the termination of the respondent was void ab-initio for non-compliance of the provisions of Section 25-F(b) of the Industrial Disputes Act. The respondent was employed as a Carpenter in the All India Radio by appointment order dated 6.5.82. The post of Carpenter is a general Civil Service Class-III, nongazetted, non-ministerial post. The pay-scale in which the respondent was appointed was Rs.300-400 with the usual allowances then payable to the government servants. **The appointment order stated that he was governed by Central Civil Service (Temporary Service) Rules, 1965, In case the***

Government thought fit to remove the respondent the appointment order laid down probation period of two years. In regard to other conditions of service such as leave, travelling allowance, etc, he was to be governed by the all India Central Government Rules.

*The contention of the Union of India before the Tribunal was that the matter was not governed by the Industrial Disputes Act and that he was governed by the Rules framed by the Government Of India under Article 309 of the Constitution. **The Tribunal, however, came to the conclusion that the Industrial Disputes Act decided the matter and that All India Radio was an Industry. The Tribunal came to the second conclusion in regard to the All India Radio being an Industry on the basis of the Division Bench Judgement of Madhya Pradesh High Court, reported as Mgmt, of All India Radio Vs. Central Government Industrial Tribunal & Another (Factory Law Report 1987 Page 58).***

*Counsel for the petitioner has, however, brought to my notice the order of the Supreme Court passed on 17.4.89 in SLP No. 3162 of 1987 whereby the SLP was granted against the said decision of the Madhya Pradesh High Court. The appeal is pending in the Supreme Court. **We will, therefore, have to proceed on the footing that the respondent was a government employee and was not governed by the Industrial Disputes Act Counsel for the respondent has raised a preliminary objection stating that if the respondent was to be treated as a Central Government***

employee, this Court has no jurisdiction to hear the petition and the same should be transferred to the Central Administrative Tribunal. There is merit in the submission. By virtue of the

Administrative Tribunals Act of 1985 all pending writ petitions in regard to the Central Government employees are to be transferred to the Central Administrative Tribunal.

In view of this, I direct this writ petition to be transferred to the Central Administrative Tribunal. The Central Administrative Tribunal will dispose of the petition after issuing notice to both the parties.

The writ petition stands disposed of with this order."

(Emphasis supplied)

7. Accordingly, the Writ was renumbered and registered as O.A. No. T-4/90. The O.A. was dismissed *vide* Order dated 20.02.1997, as not maintainable, by the learned Central Administrative Tribunal. The relevant extract is reproduced herein below: -

" This is an application filed by Union of India under Section 9 of the AT Act, 1985 challenging the award dated 28.04.1987 of the Central Government Industrial Tribunal, New De/hi. We have rejected almost an identical application today and for the reasons stated in the said Order passed in O.A. No. 2672/1996, **this application is also dismissed as not maintainable on the basis of the recent decision of the Hon'ble Supreme Court Order passed in O.A. No. 2672/1996 shall also form part of the final Order of this application as well.** There is no Order as to cost."

8. Thereafter, the Workman, approached this Court by way of W.P. (C) No. 3214/2010, seeking implementation of the Award dated 28.04.1987. The writ petition was allowed *vide* Order dated 17.10.2011, as under, with specific directions to the Petitioner to implement the Award: -

"More time is sought on behalf of the respondents for filing counter affidavit. I find that earlier time was granted to the respondents on 12th May, 2010 for the first time but till date counter affidavit could not be filed. Respondents have already got more than sufficient time to submit their response. Counsel for respondent no. 2 submits that since the matter is quite old the relevant records being not traceable the reply could not be prepared. However, this is no justification for granting further time to the respondents for submitting its response in the matter in which the petitioner-workmen seeking implementation of the award passed by the Central Government Industrial Tribunal way back in the year 1987 directing his reinstatement in service with full back wages. Accordingly request for more time is declined.

Since there is no denial of respondent no. 1, no. 2 regarding non-implementation of the award by the Central Government Industrial Tribunal it has to be accepted that the award has not been implemented till date. This writ petition is accordingly disposed by directing the petitioner to implement the award dated 28.04.1987 in 1D No.

6/1936 within one month from today failing 1-which the petitioner would be at liberty to have recourse to any other legal remedy which may be available to him for non-compliance of this direction. The respondent no. 1 is also **burdened with costs of 15,000 for dragging a workman to Court unnecessarily.**"

9. Thereafter, the Workman approached this Court by way of C.M. 18071/2011, seeking clarification of the above order, which was allowed *vide* order dated 14.11.2011 and instead of the "*Petitioner*" in the second paragraph, the *All India Radio* was directed to implement the Award.

10. Admittedly, the Workman/Bhushan Lal was re-engaged on 10.12.2012 and was given back wages for the period 31.07.1983 to 28.04.1987.

11. The Workman/Bhushan Lal, remained aggrieved that the back wages have been paid only till the date of the passing of the Award and not till 10.12.2012 i.e. when he was reinstated and he has also been denied continuity of services and other consequential benefits such as fixation of salary, bonus, leave encashment, pensionary benefits etc.

12. Thus, several representations/letters dated 27.09.2013, 17.01.2014 and 07.04.2014 were sent by the Workman seeking complete implementation the Award.

13. After exchange of several correspondences, the All India Radio, via letter dated 30.04.2014, conveyed to the workman that all the dues and other service-related benefits have already been paid and any claim beyond the date of the impugned Award is not acceptable.

14. Thereafter, the Workman filed a Contempt Petition Bearing Civil Contempt Petition No. 848/2014, which was dismissed by this Court *vide* order dated 28.11.2014.

15. The Workman superannuated on 01.12.2014.

16. The Writ Petition bearing W.P. (C) No. 4237/2015 came to be filed by the Workman, seeking complete implementation of the Award, stating that though he had been reinstated on 2012, till date he has not received full back wages till his date of re-instatement and consequential benefits such as pension in terms of the Award.

17. In the interim, this Court, *vide* Order dated 01.08.2019 passed in W.P. (C) 4237/2015, revived the W.P. (C) No. 136/1988, by observing that once the issue was not decided on merits by the learned Central Administrative Tribunal, the same should have been transferred back to this Court. Consequently, the Order dated 20.02.1997 passed by the learned Central Administrative Tribunal was set-aside, as under: -

" 1. Arguments partly heard.

2. The petitioner is seeking implementation of the award dated 28th April, 1987 passed by the Industrial Tribunal. Learned counsel for the respondent No.2 submits that respondent No.2 challenged the award before this Court in Writ Petition bearing No. 136/1988 which was transferred by this Court to the Central Administrative Tribunal on 20th March, 1990. It is further submitted that Central Administrative Tribunal *vide* order dated 20th February, 1997 declined to adjudicate the petition on the ground that it has no jurisdiction to entertain a petition against the award of the Labour Court. The Central

Administrative Tribunal dismissed the petition on the issue of maintainability.

3. This Court is of the view that the order dated 20th February, 1997 passed by the Central Administrative Tribunal is absolutely illegal. If Central Administrative Tribunal had no jurisdiction to entertain a challenge to the order of the Labour Court, Central Administrative Tribunal should have gracefully transferred the matter back to this Court.

4. Learned counsel for respondent No.2 submits that the order dated 20th February, 1997 be set aside and the Writ Petition bearing No. 136/1988 be revived and be adjudicated by this Court to which counsel for the petitioner has no objection.

5. In exercise of power under Article 226 of the Constitution of India, the order dated 20th February, 1997 passed by the Central Administrative Tribunal is set aside and Writ Petition No.136/1988 is revived. The Central Administrative Tribunal is directed to send back the record of O.A. 2672/1996.

6. Both the parties are directed to file the relevant pleadings of Writ Petition bearing No. 136/1988 whereupon the Registry shall reconstruct the file of W.P.(C) 136/1988 and list before this Court on the next date of hearing.

7. List for continuation of the arguments on 04th November, 2019.

8. The petitioner shall remain present in Court on the next date of hearing.

9. The competent officer of respondent No.2 shall also remain present in Court on the next date of hearing."

18. On being pointedly asked about the admission recorded in Order dated 17.20.2011 in W.P.(C) 3214/2014, that "Since there is no denial of respondent no. 1, no. 2 regarding non-implementation of the award by the Central Government Industrial Tribunal it has to be accepted that the award has not been implemented till date." the learned Counsel for the Petitioner submitted that the Counsel therein had appeared on behalf of the All India Radio without informing the Department or receiving any instructions. The Department was not served as well. Though All India Radio filed a Review against the same, it is submitted that the Review was dismissed.

19. He further submits that the Award had been given effect to and the Workman had already been re-engaged in services in the year 2012 and the Award has already been implemented. On merits, it is submitted that the Workman has been paid all dues and he cannot claim any amount for the days he has not rendered any services.

20. The learned Counsel on behalf of the Workman, submits that the sole premise on which the Order dated 20.03.1990 was passed, (remanding the matter to the learned Central Administrative Tribunal), was that SLP against the Judgment passed by the High Court of Madhya Pradesh, on which the learned CGIT has relied to hold that the All India Radio is an "industry", is pending before the Hon'ble Supreme Court. However, now the issue has been decided by the Hon'ble Supreme Court by judgment dated 05.02.1998 passed in Civil Appeals No.s 2423/1989 with Civil Appeals No. s 2135/1993 & 775-776/1998/1989 titled **All India Radio v. Santosh Kumar and Ors.** whereby it has been held that All

India Radio and Doordarshan are *industries* within the meaning of Section 2(j) of the I.D. Act. Hence, the learned CGIT alone would have had jurisdiction to decide the issue at hand.

21. Notably, the record indicates that though the present matter was remanded to the learned Central Administrative Tribunal by Order dated 20.03.1990, on the ground that SLP is pending before the Hon'ble Supreme Court against the judgment holding All India Radio as an "*industry*", the disputes on merits were neither decided by the learned Central Administrative tribunal nor by any other forum apart from the learned CGIT. Consequently, the Award dated 28.04.1987 was never set aside or modified by any competent forum. This Court, while reviving the present writ petition by order dated 01.08.2019, specifically noticed that the learned Central Administrative Tribunal ought to have remitted the matter back to this Court instead of dismissing it on the ground of maintainability. Thus, throughout this period, the Award continued to subsist and remained operative/binding.

22. Even otherwise, the principal challenge in W.P.(C) No.136/1988 rested on the contention that All India Radio did not constitute an "*industry*" within the meaning of Section 2(j) of the Industrial Disputes Act, 1947 and, consequently, the learned CGIT lacked jurisdiction to entertain the industrial dispute. However, during the course of hearing, learned counsel for the Petitioners fairly conceded that the said issue no longer survives in view of the authoritative pronouncement of the Hon'ble Supreme Court in ***All India Radio v. Santosh Kumar & Ors.***, (*Supra*) wherein it has been categorically held that All India Radio and Doordarshan are industries within the meaning of the Industrial Disputes Act. The very foundation of the challenge to the impugned Award, therefore, stands eclipsed.

23. Significantly, even the conduct of the Petitioners demonstrates that the Award ultimately came to be accepted and was implemented. Pursuant to the orders dated 17.10.2011 and 14.11.2011 passed by this Court directing implementation of the Award, the Workman was reinstated in service on 10.12.2012 and was also paid back wages up to the date of the Award.

24. In view of the above acceptance of the Award, no arguments on the merits were addressed and, in any case, any dispute surviving with regard to the legality of the Award itself would be rendered academic once the same has been accepted/implemented by the Department.

25. As regards the grievance of the Workman with respect to the extent of implementation of the Award, it has already been noted in the Award that the workman had joined in 1981 and the termination took place in July, 1983, the Witness of the Management-Shri J.K. Gupta had admitted that the workman had rendered more than 240 days of service and since the termination of the Workman amounted to retrenchment, the provisions of the Section 25 F of the I.D. Act were required to be complied with. The non-compliance rendered the

termination illegal and thus, relief of reinstatement with full back wages was granted. The Award was rendered in April, 1987 and the Workman ultimately came to be reinstated in December, 2012. He thereafter continued in service only till his superannuation on 01.12.2014. More than 4 decades have elapsed since the dispute first arose. He has served the Department for about 4 years.

26. It is well settled that while exercising jurisdiction under Article 226 of the Constitution, this Court is also empowered to mould the relief/grant monetary compensation to subserve the ends of justice, having regard to the peculiar facts and circumstances of the case. The jurisdiction is equitable in nature and does not compel the Court to grant relief mechanically where doing so would result in impracticable consequences.

27. Keeping the above in mind, and the need to bring finality to a dispute which has remained alive for more than 4 decades, this Court is of the opinion that the ends of justice would be better served by awarding lump-sum compensation to the Workman instead of directing an exercise to ascertain disputed claims regarding computation of wages/revisions/increments/pension etc. which would inevitably generate yet another round of litigation. Hence, it is directed that a **lump-sum amount of ₹ 6,00,000/-** be paid to the Workman, within 8 weeks from date, towards full and final settlement of all claims arising out of the incomplete implementation of the Award.

28. Before parting, this Court cannot overlook the manner in which the Petitioners and the Department has dealt with the Award. The Award was passed as far back as on 28.04.1987. Even after the learned Central Administrative Tribunal declined jurisdiction in 1997, no effective steps were taken by the Petitioners to have the challenge restored before the appropriate forum. Instead, the Workman was constrained to approach this Court once again seeking implementation of an Award which had remained operative throughout. Despite the directions issued by this Court on 17.10.2011 requiring implementation of the Award, reinstatement was affected only on 10.12.2012. The Workman was thus compelled to engage in avoidable and protracted litigation for decades merely to secure the fruits of an Award passed in his favour.

29. Public authorities are expected to act as model employers and cannot prolong industrial disputes indefinitely by procedural lapses and administrative inaction. Such conduct deserves to be appropriately deprecated.

30. Accordingly, the interests of justice would, therefore, be adequately served by imposing costs upon the Petitioners, UOI & All India Radio and Doordarshan for the attitude as noted above which has led to decades of litigation engaging not only the workman but also the courts. The Petitioners are directed to pay costs of **Rs. 1,00,000/-**, in addition to the lump-sum compensation amount, to the Workman within a period of eight weeks from date. The Petitioners are granted liberty to recover the cost amount from persons responsible for such handling of the dispute.

31. Accordingly, the petitions are disposed of. The pending applications, if any, also stand disposed of.