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

+ **W.P.(C) 534/2023**

MUNICIPAL CORPORATION OF DELHIPetitioner

Through: Mr. Arun Birbal and Mr. Varun
Gupta, Advocate

versus

SUBHASH YADAVRespondent

Through: Mr. Avinash Kumar, Advocate

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

12.11.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 37932/2023 (Litigation expenses)

1. Learned counsel for petitioner, in all fairness, does not object to grant of litigation expenses to respondent workman. The application is allowed, thereby directing the petitioner to pay a sum of Rs. 20,000/- towards litigation expenses pertaining to the present appeal within four weeks.

CM APPL. 35645/2023 (under Section 17B of Industrial Disputes Act)

2. Learned counsel for petitioner submits that the application may be disposed of in accordance with law, though with a direction that in case the petitioner succeeds, the entire amount paid over and above the last drawn wages shall be returned to the petitioner by the respondent.

3. Accordingly, the application is allowed, thereby directing the petitioner to pay to the respondent an amount equivalent to the minimum wages payable to the respondent workman, who was employed as



Chowkidar (unskilled workman). The said amount shall be paid on monthly basis on or before 07th day of each calendar month.

W.P.(C) 534/2023, CM APPL. 2124/2023 (stay) & CM APPL. 35878/2023 (Vacation of stay)

4. Learned counsel for both sides seek time to prepare the brief further, especially because according to learned counsel for petitioner, even if no domestic enquiry was conducted, services of the workman can be terminated if evidence of misconduct is on record of the Industrial Adjudicator.
5. Relist on 16.05.2025.
6. Interim orders to continue till next date of hearing.

GIRISH KATHPALIA, J

NOVEMBER 12, 2024/as

Click here to check corrigendum, if any