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

+ **W.P.(C) 4382/2024**

THE MANAGEMENT OF DELHI JAL BOARD Petitioner

Through: **Ms.Asha Gopalan Nair, Advocate**

versus

SH. ANIL KUMAR Respondent

Through: **None**

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **24.04.2024**

CM APPL. 23628/2024 (Stay)

1. The instant application under Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of applicant/petitioner seeking the following reliefs:-

"a) Pass an order staying the operation of the impugned order dated 27.10.2023 passed by Presiding Officer Industrial Tribunal-I, Rouse Avenue District Courts, New Delhi. during the pendency of the writ petition;

b) Pass such other and further orders as this Hon'ble Court may deem fit in the facts and circumstances of the case."

2. Learned counsel appearing on behalf of applicant/petitioner submitted that the instant writ petition alongwith CM APPL. 17945/2024 seeking stay was listed before this Court on 22nd March, 2024, whereby, after some length of arguments, this Court was pleased to issue notice to the respondent on the captioned writ petition alongwith the accompanying application and



the same is listed before the Registrar for completion of service and pleadings on 22nd July, 2024.

3. It is submitted that the applicant/petitioner received the notice dated 24th January, 2024 from the Labour Department, GNCTD for release of the awarded amount in favour of the respondent as per the terms of the award, failing which, a recovery certificate under Section 33 C(1) of the Industrial Disputes Act, 1947 shall be issued to the District Collector for recovery of the awarded amount.

4. It is submitted that the matter was listed before the Labour Department, GNCTD on 5th April, 2024, wherein, the Labour Department refused to consider the order dated 22nd March, 2024 as the said order did not expressly mention grant of stay and directed the petitioner to pay the awarded amount to the respondent before the next date of hearing i.e. 25th April, 2024, failing which, the Labour Department, GNCTD shall take necessary action against the petitioner in accordance with law.

5. It is further submitted that the balance of convenience lies in favour of the petitioner and if the operation of the impugned order is not stayed, the petitioner shall face irreparable losses.

6. Heard learned counsel appearing on behalf of the applicant/petitioner and perused the contents of the application.

7. It is an admitted fact that on the last date of hearing i.e. 22nd March, 2024, notice of the captioned writ petition alongwith the application bearing CM APPL. No.17945/2024 seeking stay was issued to the respondent. It is also pertinent to mention that the next date of hearing before the the Labour Department, GNCTD is 25th April, 2024.

8. With regard to the prayer of the petitioner with respect to the interim



relief, this Court is of the view that the instant matter requires consideration and, *prima facie*, the balance of convenience lies in favour of the petitioner. Therefore, the operation of the impugned order dated 27th October, 2023 shall be kept in abeyance till the next date of hearing.

9. With the aforesaid direction, the instant application stands disposed of.

W.P.(C) 4382/2024 & CM APPL. 17945/2024 (Stay)

List on the date already fixed i.e. 22nd July, 2024 before Registrar for completion of service and pleadings.

CHANDRA DHARI SINGH, J

APRIL 24, 2024
dy/da

Click here to check corrigendum, if any