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

+ **W.P.(C) 4423/2025 & CM APPL. 20333/2025**

RAJENDER SHARMAPetitioner

Through: Mr. Digvijay, Advocate.

versus

DIRECTOR CHIEF NDDTC, AIIMS & ANR.Respondents

Through: Mr. V.S.R. Krishna and V Shashank
Kumar, Advocates for R-1.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **07.04.2025**

CM APPL. 20333/2025 [*Exemption from filing typed/translated copies*]

1. Allowed, subject to the Petitioner filing typed/translated copies of the annexures within a period of three weeks.
2. The Application stands disposed of.

W.P.(C) 4423/2025

3. The present Petition has been filed under Article 226 read with 227 of the Constitution of India seeking to challenge the award dated 07.06.2024 [hereinafter referred to as "Impugned Award"] passed by learned Presiding Officer, Central Government Industrial Tribunal cum Labour Court-II, Rouse Avenue, New Delhi. By the Impugned Award, the claim petition of the Petitioner/workman has been dismissed by the learned Labour Court in view of the fact of the bar under Section 2-A(3) of the Industrial Disputes Act, 1947 [hereinafter referred to as the "Act"].



4. The learned Labour Court has found that the Petitioner/workman was employed in the year 2009 and was being paid wages by a contractor from the year 2010 onwards and was terminated from services in the year 2013. Admittedly, the claim petition was filed on 08.01.2019.

5. The learned Labour Court has relied on the provisions of Section 2-A(3) of the Act to submit that a claim petition should have been filed before the expiry of three years from the date of the discharge/dismissal/retrenchment or otherwise termination of service, and that almost six years have lapsed since the termination. Thus, the claim petition was dismissed.

6. Learned Counsel for the Petitioner submits that previously proceedings were filed by the Petitioner before the Authority under the Minimum Wages Act, 1948 at the Office of the Regional Commissioner, Dehradun, and the pendency of these proceedings were not taken into account by the learned Labour Court. However, a perusal of the Statement of claim filed by the Petitioner, which is annexed as Annexure at Annexure P2, reflects that it does not mention that previous proceedings were filed before the Authority under the Minimum Wages Act, 1948 at the Office of the Regional Commissioner, Dehradun.

6.1 Learned Counsel for the Petitioner requests for some time to take instructions and make necessary submissions in the matter.

7. The matter requires further examination.

8. Issue Notice.

8.1 On steps being taken, let Notice be issued to the Respondent No.2 *via* all modes, *dasti* in addition. An affidavit of service be filed within one week.

8.2 Learned Counsel for Respondent No.1, who appears on advance service, accepts Notice and submits that he has not received the copy of the



paperbook.

9. Let a copy of the complete paperbook be supplied to the Respondent No.1 within two days under acknowledgment.

10. The parties shall file their short note of contentions in the matter, not exceeding three pages each, at least three days before the next date of hearing, along with the compilation of judgments, if any, they wish to rely upon. All judgments sought to be relied upon shall be filed with an index which also sets out the relevant paragraph numbers and the proposition of law that it sets forth.

11. The Registry is directed to place on record the digital copy of the Trial Court Record duly paginated and bookmarked in accordance with the rules of the High Court.

12. List on 19.05.2025.

13. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

APRIL 7, 2025/ ha/jn

[Click here to check corrigendum, if any](#)