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

+ W.P.(C) 7347/2020

NEW DELHI MUNICIPAL COUNCIL Petitioner

Through: Mr. Vaibhav Agnihotro, Ms. Kavita,
Adv. for NDMC.

versus

RAJESH

..... Respondent

Through: Mr. Deepak Sinha, Adv.

+ W.P.(C) 7481/2020

NEW DELHI MUNICIPAL COUNCIL Petitioner

Through: Mr. Vaibhav Agnihotro, Ms. Kavita,
Adv. for NDMC.

versus

SH RAJESH

..... Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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15.05.2023

CM APPL. 16764/2022 in W.P.(C) 7481/2020

1. This is an application filed by the respondent under Section 17-B of the Industrial Disputes Act, 1947 ('the Act').
2. Though, a reply opposing the application, has been filed, the same except for stating that the respondent was a temporary Muster Roll employee, does not in any manner controvert the respondent's plea that despite his best efforts, he has not been able to find any source of livelihood.
3. The fact that under the impugned award, the petitioner has been directed to reinstate the respondent and pay him a compensation of Rs.10 lakhs towards his back wages, is not disputed. In these



circumstances, once the petitioner has not been able to specifically deny that the respondent is unemployed, this Court has no other option but to accept the respondent's claim that despite his best efforts he continues to be without any source of livelihood.

4. The application is therefore entitled to succeed and is accordingly, allowed by directing the petitioner to pay to the respondent minimum wages as applicable in the NCT of Delhi with effect from 04.04.2022, the date on which notice was issued in the application under Section 17-B of the Act. The petitioner is directed to pay to the respondent arrears in terms of this order within six weeks and therefore continue to pay him minimum wages on or before 10th of every month. This would, however, be subject to the respondent filing an affidavit within three weeks before this Court undertaking to refund the differential amount between his last drawn salary and the minimum wages, in case the petitioner were to succeed before this Court.
5. The application stands disposed of in the aforesaid terms.

W.P.(C) 7347/2020 & W.P.(C) 7481/2020

6. List on 11.09.2023.

MAY 15, 2023
acm

REKHA PALLI, J