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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 9912/2023, CM APPLS. 38171/2023,48748/2023
DELHI TRANSPORT CORPORATIONPetitioner
Through: Mr. Paritosh Goyal, Advocate
versus

ASHOK KUMARRespondent
Through: Ms. K. Pallavi and Mr. Atul T.N.,
Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **13.05.2026**

CM APPL. 48751/2023 (U/s 17-B of Industrial disputes Act by respondent)

1. By way of the present application, the respondent/workman seeks payment of wages in terms of Section 17-B of the Industrial Disputes Act, 1947 during the pendency of the present writ petition preferred by the petitioner/Delhi Transport Corporation assailing the Award dated 15.09.2022 passed by the Labour Court No. XVII, Rouse Avenue Courts, Delhi in LIR No.393/2016.
2. Vide the impugned Award, the Labour Court directed reinstatement of the respondent/workman with 50% back wages from the date of termination till reinstatement. The respondent/workman was appointed as a Retainer Crew Conductor with the petitioner/Corporation on 13.08.1998 and was working as a Conductor bearing Batch No.25534 and Token No.60485, his last drawn wages were Rs. 15,000/- per month. The services of the respondent/workman came to be terminated vide order dated 19.06.2013 pursuant to disciplinary proceedings initiated against him on allegations of misconduct arising out of a checking conducted on 16.10.2012.



3. Learned counsel appearing for the respondent/workman submits that despite the Award having attained enforceability, the respondent/workman has neither been reinstated in service nor paid any amount in terms thereof. It is further submitted that the respondent/workman has remained unemployed since the date of termination and has no regular source of livelihood. An affidavit to the said effect has been placed on record.

4. *Per contra*, learned counsel appearing for the petitioner/Corporation opposes the present application and submits that the impugned Award suffers from serious infirmities inasmuch as the Labour Court failed to appreciate that the respondent/workman had been found guilty in a duly conducted domestic enquiry and that the allegations against him pertained to non-issuance of tickets to passengers after collecting fare. It is submitted that the Labour Court failed to properly appreciate the evidence led before it while granting reinstatement with back wages.

5. The aforesaid objections do not merit acceptance at this stage. The challenge laid by the petitioner/Corporation to the impugned Award pertains to the correctness of the findings returned by the Labour Court on merits and would necessarily require examination of the evidence and disciplinary proceedings conducted against the respondent/workman. However, while considering an application under Section 17-B of the Industrial Disputes Act, the Court is not required to undertake a detailed examination of the merits of the Award under challenge. The scope of consideration is confined to examining whether the statutory conditions contemplated under Section 17-B stand satisfied.

6. The scope and object of Section 17-B of the Industrial Disputes Act stands explained by the Supreme Court in Dena Bank v. Kiritikumar T.



Patel¹, wherein it was observed that the provision has been enacted to relieve hardship caused to a workman due to delay in implementation of an Award of reinstatement during pendency of proceedings before the High Court or Supreme Court.

7. It is equally well settled that while considering an application under Section 17-B of the Industrial Disputes Act, the Court cannot go into the merits of the dispute and is only required to examine whether the statutory requirements under the provision stand satisfied. In Municipal Corporation of Delhi v. Santosh Kumari & Ors.², the Division Bench of this Court reiterated the limited scope of enquiry under Section 17-B proceedings.

8. In the present case, the respondent/workman has filed an affidavit asserting that he is not gainfully employed in any establishment and has remained unemployed since the date of termination. The petitioner/Corporation has failed to place any material on record to rebut the said assertion.

9. Accordingly, the present application is allowed. During the pendency of the writ petition, the petitioner/Corporation shall pay to the respondent/workman wages under Section 17-B of the Industrial Disputes Act at the rate of last drawn wages or minimum wages, whichever is higher, from the date of filing of the present writ petition till final adjudication thereof. The arrears be cleared within a period of four weeks from today.

W.P.(C) 9912/2023

Renotify on 14.09.2026.

MANOJ KUMAR OHRI, J

MAY 13, 2026/rd

¹ (1999) 2 SCC 106

² 2012 SCC OnLine Del 4390