



\$~27

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 7462/2024, CM APPL. 31025/2024 and
CM APPL. 22801/2025
M/S AIR FORCE GOLDEN JUBILEE INSTITUTEPetitioner

Through: Mr.Nikhil Palli, Ms.Niyati Razdan and
Ms.Bhavya Sharma, Advocates

versus

SH. ASHOK KUMAR & ORS.Respondents
Through: Ms.Meghna De and Mr.Ritwik Raj,
Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **15.07.2025**

CM APPL. 41149/2025 (interim stay by the petitioner)

1. By way of present application, the applicant/petitioner seeks ad interim stay on the Recovery Certificate dated 02.06.2025, in view of the liberty granted by this Court vide order dated 21.04.2025.
2. Notably, the respondents/workmen had initially approached the Tribunal in the year 2004 alleging illegal termination of their services by the management. The Tribunal had, vide award dated 29.11.2004, directed complete reinstatement of the workmen alongwith full back wages. Against the said award, the petitioner approached this Court vide **WP(C) 5365/2005**, wherein on account of settlement arrived at between the parties, the award was modified vide order dated 25.09.2009 to the extent that the respondents will be treated as daily wagger employees and would not be seeking back wages. Subsequently, in the year 2010, the respondents/workmen again



approached the Tribunal for seeking regularization of their services. The Tribunal vide award passed on 05.12.2023 (hereinafter, '*the impugned award*'), held that the respondents are entitled to regularization in service on their respective posts w.e.f their initial date of joining by the management in their regular pay scale with all the consequential benefits.

3. Learned counsel for the applicant/petitioner contends that the impugned award is in the teeth of the order dated 25.09.2009 passed by this Court whereby in consequence of the settlement, the earlier award dated 29.11.2004 was modified. He further places reliance on this Court's order dated 21.04.2025 and submits that the present application is necessitated as the concerned Dy. Labour Commissioner has proceeded to implement the recovery certificates.

3. Learned counsel for the respondents seeks some time to address the submissions.

4. List on 29.07.2025.

5. In the meantime, subject to the petitioner depositing 50% of the principal amount under the recovery certificates within a period of six weeks from today, let no coercive action be taken in context of recovery certificates till the next date of hearing.

CM APPL. 45104/2024 (for litigation expenses by the respondents)

1. By way of present application, the applicants/respondents seek grant of litigation expenses.

2. Issue notice.

3. Notice is accepted by learned counsel for the non-applicant/petitioner.

4. For the reasons mentioned in the application, the same is allowed and it is directed that litigation expenses to the tune of Rs.15,000/- each be paid



to the respondents/applicants by the petitioner within two weeks from today.

5. The application is disposed of in above terms.

MANOJ KUMAR OHRI, J

JULY 15, 2025

na