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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7434/2024, CM APPL. 44779/2024 & CM APPL. 30969/2024**

M/S AIR FORCE GOLDEN JUBILEE INSTITUTE.....Petitioner

Through: Mr. Nikhil Palli and Ms. Niyati Razdan, Advs.

versus

SH.VED PAL & ANR.

.....Respondents

Through:

(79)

+ **W.P.(C) 7462/2024, CM APPL. 45104/2024 & CM APPL. 31025/2024**

M/S AIR FORCE GOLDEN JUBILEE INSTITUTE.....Petitioner

Through: Mr. Nikhil Palli and Ms. Niyati Razdan, Advs.

versus

SH. ASHOK KUMAR & ORS.

.....Respondents

Through:

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **21.04.2025**

CM Appl.22797/2025 in W.P.(C) 7434/2024

CM Appl.22801/2025 in W.P.(C) 7462/2024[seeking early hearing]

1. The present Applications have been filed on behalf of the Petitioner seeking early hearing in the matters.
2. Learned Counsel for the Petitioner submits that there was an amicable settlement between the Petitioner and the Respondent which forms part of the order dated 25.09.2009 passed by a Coordinate Bench of this Court in W.P.(C) 5365/2005 captioned ***The Management of Air Force Golden Jubilee Institute v. Ashok Kumar & Others.*** The operative part of the settlement which is reproduced in paragraph 5 of the order dated 25.09.2009



which is set out below:

“5. The counsel for both the parties submit that all these workmen are working at present with the petitioner management in lieu of order under Section 17-B. But now since the parties have amicably settled their dispute, the respondents No. 1, 2, 5, 6 & 7 will be treated as daily wager employees of the petitioner management for all intents and purposes. Needless to state that respondents No. 1, 2, 5, 6 & 7 will be subject to the discipline of the petitioner management and will be bound by its rules and regulations governing appointment of daily wagers. It is made clear that respondents No. 1, 2, 5, 6 & 7 will not be entitled to any back wages prior to the date they had resumed work with the petitioner management. The respondent No. 4 will have no right either for reinstatement, for back wages since the said claim on his behalf has been given up by the counsel appearing on his behalf. The impugned award insofar as it relates to respondent No. 4 is concerned, the directions for his reinstatement and back wages contained in the said award are quashed. The petitioner shall pay wages under Section 17-B to the widow of the deceased respondent No. 3 till the date of death of her husband within a period of four weeks from today.”

3. Learned Counsel for the Petitioner submits that despite the settlement being placed before the learned Labour Court and the fact that there is a direction that the previous Order dated 29.11.2004 stands modified in the said order, this aspect has not been taken cognizance of. Reliance is placed by the learned Counsel for the Petitioner on the showcause notice dated 01.04.2025 issued by the office of Deputy Labour Commissioner (New Delhi District).

4. Issue Notice. On steps being taken let Notice be issued to the Respondents through Counsel. An affidavit of service be filed within a week.

5. Admittedly, although a showcause notice has been issued, no recovery has yet been initiated by the learned Labour Commissioner against the Petitioner.

6. Accordingly, the Petitioner shall be at liberty to approach the Court in



the event, any coercive steps are initiated against it.

7. List on the date already fixed i.e., 15.07.2025.

8. The record reflects that Trial Court record which was requisitioned in terms of order dated 22.05.2024 has yet not been requisitioned. The Registry is directed to place on record the digital copy of the Trial Court Record duly paginated and book-marked in accordance with the rules of the High Court.

9. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

APRIL 21, 2025/r

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