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

+ **CONT.CAS(C) 230/2011**

ALL INDIA CPWD EMPLOYEES UNION Petitioner
Through **Mr. R.K. Kapoor, Mr. Deepak**
Khadaria and Ms. Rekha Giri, Advs.

versus

CS PRASAD DG CPWD Respondent
Through **Mr. Rajesh Gogna, CGSC, Mr. Rijul**
Singh Uppal and Ms. Vipra
Bhardwaj, Advs. for R-1 with Mr.
Harnam Singh, DDG (HQ).

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **13.09.2017**

Affidavit dated 16.7.2011 filed on behalf of the respondents is in the nature of the contentions to construe the award dated 31.1.1988 and the judgment dated 28.1.1992, whereby, the award was modified, as provided for in para 9 thereof. In CCP 306/93, the Division Bench of this Court disposing off the contempt petition on 19.11.1996, made observations relevant to the subject, as under :

“.....
In view of the foregoing discussion we have no hesitation in coming to the conclusion that there was no justification for the respondent in not implementing the award given by the Umpire in entirety, as modified by this court vide judgment dated 28 January 1992, particularly when a specific direction was issued to it on 25 August 1993 to implement the said judgment and make payment by 30 September 1993 and technically there has been violation of the directions. However,

since the respondents so called doubts are all now set at rest, we grant to it three month more time to implement the award given more than eight years ago. Respondent's failure to comply with this order will be at its own risk and may expose it to the revival of these contempt proceedings for non compliance of this order as well as order dated 25 August 1993."

Later, on 29.5.2001, in another CCP 66/1999, ld. Single Judge of this Court made observations relevant to the subject, as under :

".....
Having accepted the said order, it is now too late in the day for the CPWD to raise the plea that the paragraph in question came to be mentioned in the award of the arbitrator by mistake. No steps, if any, open to have paragraph(n) deleted from the award made by Shri H.S. Vats or by the Umpire at the appropriate time and forum were taken. The said paragraph thus, forms part of the award, enforceable as such. As noticed above, earlier the difficulty falling in the way of enforcement of the award was stated to be the time required for gathering requisite information from various places, which is not insurmountable. At this stage, it would equally be impermissible for this court, or for any other forum, to try to interpret the award in order to cull out as to what was the reason or intention of the Umpire to include paragraph (n) his final recommendations. In my view, therefore, the CPWD has no option but to implement the entire award in letter and spirit, as modified by the order of this court dated 28 January 1992."

By the instant petition, the petitioners have again approached this Court alleging that a part of the award dated 31.1.1988 has not yet been implemented and the non-compliance is to the effect, as is reflected in Annexure CP-2 of the contempt petition. Let a precise compliance affidavit as for full implementation of the award in terms of clause 'q' & 'r', taking note of the deficiency/shortfall, as has come to be pointed out in Annexure CP-2 to the contempt petition, be filed

within four weeks from today. Response affidavit, if any, may be filed a week before the date fixed.

List on 7th November, 2017 at 3.00 p.m.

A. K. CHAWLA, J

SEPTEMBER 13, 2017

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