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

+ LPA 655/2022

DELHI TRANSPORT CORPORATION

..... Appellant

Through: Mr. Rinky Gupta, Standing Counsel
for DTC with Ms. Ananya Singh,
Advocate

versus

INDERJIT SINGH

..... Respondent

Through: Mr. G S Charya, Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% 17.11.2022

CM APPL. 49059/2022 (Exemption)

Allowed, subject to all just exceptions.

LPA 655/2022 & CM APPL. 49058/2022, CM APPL. 49060/2022

1. Learned Standing Counsel for the Appellant/DTC has, at the outset, drawn the attention of this Court towards the Judgment dated 09.10.2019 passed by the learned Single Judge in W.P.(C) 684/2013.
2. A perusal of the aforesaid Judgment reveals that the learned Single Judge upheld the Award dated 31.08.2012 passed by the Labour Court directing reinstatement of the Respondent/workman with 50% backwages.
3. Learned Standing Counsel for DTC has vehemently argued before this Court that despite the matter being disposed of, an application was preferred under Section 17(B) of the Industrial Disputes Act, 1947. Though no case was pending before the High Court, the learned Single Judge has passed an order in a disposed of matter on 23.08.2022, allowing the application preferred by the Respondent/workman under Section 17(B) of the Industrial Disputes Act, 1947.



4. Learned Standing Counsel for the DTC vehemently argued before this Court that the Order passed by the learned Single Judge is bad in law as the Respondent/workman has already been paid 50% of the backwages and the amount paid towards backwages cannot be adjusted while passing an Order in an application preferred under Section 17(B) of the Industrial Disputes Act in a disposed of matter. He states that an application under Section 17B of the Industrial Disputes Act could not have been entertained when no proceedings were pending in the Court. The point made by learned Standing Counsel for the DTC is arguable and, therefore, by way of interim relief, the Order dated 23.08.2022 passed by the learned Single Judge in CM APPL. 33290/2021 shall remain stayed till the next date of hearing.

5. Issue notice.

6. Mr. G S Charya, learned Counsel, accepts notice on behalf of the Respondent/workman. He prays for and is granted six weeks' time to seek instructions and argue the matter. He also prays for some time to file his *vakalatnama*. Let the same be done before the next date of hearing.

7. List on 21.03.2023.

CM APPL. 49061/2022

1. This application has been filed on behalf of the Appellant seeking condonation of delay of 5 days in filing the appeal.

2. Let a reply be filed to the application before the next date of hearing.

3. List on 21.03.2023.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J

NOVEMBER 17, 2022//hsk