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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 11773/2024**  
MITHUN KUMAR .....Petitioner

Through: Mr. Chirayu Jain, Adv.

versus

DELHI BUILDING AND OTHER CONSTRUCTION WORKERS  
BOARD .....Respondent

Through: Mr. Abhay Dixit, Adv.

**CORAM:**

**HON'BLE MS. JUSTICE TARA VITASTA GANJU**

**ORDER**

% **28.08.2024**

**CM Appl.48970/2024***[Exemption from filing typed copies]*

1. Allowed, subject to the Petitioner filing typed copies of dim annexures within a period of four weeks.
2. The Application stands disposed of.

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3. The present Petition has been filed on behalf of the Petitioner impugning an order dated 26.08.2021 passed by the Respondent/Board rejecting the maternity claim of the Petitioner [hereinafter referred to as "Impugned Order"]. The grievance of the Petitioner is that the Respondent had rejected the application of the Petitioner for maternity benefits due to the Petitioner under Rule 271 of the Delhi Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2002.

4. Learned Counsel for the Petitioner submits that the Petitioner is a building worker registered under the Building and Other Construction Workers Act, 1996 [hereinafter referred to as "the Act"] on 19.01.2016. and his registration continued till 18.01.2019. On 17.05.2019, the Petitioner had



applied for renewal of his registration under the Act which was not undertaken by the Respondent/Board inspite the statutory time period set out for renewals of registration having lapsed.

5. Learned Counsel for the Petitioner seeks to rely upon the Notification No. F.6(524)/I.T./2020/4046 dated 04.10.2021 issued by the Department of Information Technology of the Government of NCT of Delhi wherein the application for renewal of registration of the construction worker is to be carried out in 7 days (a copy of the notification is annexed at Annexure P-8 to the present Petition).

6. Learned Counsel for the Petitioner further submits that the Impugned order suffers from infirmities. It is submitted that the Petitioner had already applied for renewal of registration on 17.05.2019 and on 03.10.2019, the application for renewal was approved. Thus, the registration of the Petitioner stood renewed post facto, from the date the registration had expired.

6.1 Learned Counsel for the Petitioner further submits that the ground taken in the Impugned Order that the Petitioner was not a beneficiary under the Act, at the time of birth of his child, is contrary to the record.

7. The matter requires examination.

8. Issue Notice. Learned Counsel for the Respondent accepts Notice and seeks time to file a Counter-Affidavit.

9. Counter-Affidavit be filed within a period of three weeks.

9.1 Rejoinder, if any, be filed within a period of one week thereafter.

10. List on 04.10.2024.

11. Learned Counsel for the parties seek and are granted time to file their short note of contentions in the matter at least one week before the next date of hearing, along with the compilation of judgments, if any, they wish to



rely upon. All judgments sought to be relied upon by the learned Counsel for the parties shall be filed with an index which also sets out the relevant paragraph numbers and the proposition of law that it sets forth.

**TARA VITASTA GANJU, J**

**AUGUST 28, 2024/r**

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