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

+ **W.P.(C) 17952/2025 & CM APPL. 74269/2025**

INDIA TOURISM DEVELOPMENT CORPORATION.....Petitioner

Through: Ms. Swati Setia, Advocate.

versus

SH. MAHAVIR JHA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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27.11.2025

1. This hearing has been done through hybrid mode.

CM APPL. 74270/2025 (exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

W.P.(C) 17952/2025 & CM APPL. 74269/2025

3. The present petition under Articles 226/227 of the Constitution of India seeks following prayers:-

“(i) Issue a writ of certiorari or any other appropriate writ, order or direction quashing the impugned Award dated 28.07.2023 passed by the Presiding Officer, Labour Court, Rouse Avenue Courts, New Delhi in LIR No. 333/2016 (Old No. 642/2009), titled ‘Mahavir Jha v. Ashok Hotel’;

(ii) Stay proceedings filed by the Respondent seeking execution/compliance being Re: F. No. 23(11)/Imp./NDD/Lab/25 of the impugned award dated 28.07.2023 pending before the Labour Inspector, Pusa Complex, Delhi;

(iii) Uphold the punishment order dated 12.09.2002 passed by the Appellate Authority of the Petitioner Company;

(iv) Hold that the departmental enquiry conducted against the Respondent was fair, proper, and in compliance with the principles of



natural justice, and that the penalty imposed vide order dated 12.09.2002 was legal and justified;

(v) Set aside the direction requiring refund of increments and payment of interest. In any case, set aside award of 9% interest as arbitrary; and
(vi) pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

4. Issue notice to respondent, on petitioner taking necessary steps, through all permissible modes, including electronic mail, if any, returnable on 27.04.2026.
5. In the meantime, subject to the petitioner's depositing a sum of Rs. 3,72,000/- before the worthy Registrar General of this court within a period of four weeks, the recovery proceedings shall remain stayed.
6. In case the aforesaid amount is not deposited, the recovery proceedings shall continue in accordance with law.
7. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

NOVEMBER 27, 2025/sn/sg