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

+ **W.P.(C) 444/2025**

M/S CANDID OPTRONIX (P) LTD

.....Petitioner

Through: Mr. Sudhendu Parkash Gautam,
Advocate.

versus

SH. BASANT PRAJAPATI

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

15.01.2025

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[Physical Hearing/Hybrid Hearing (as per request)]

W.P.(C) 444/2025 & CM APPL. 2133/2025 (stay)

1. The petitioner management has assailed order passed by the Competent Authority under Delhi Shops and Establishments Act, whereby the petitioner was held liable to pay earned wages quantified in the order to the present respondent.
2. One of the major ground of challenge in the present petition is that according to learned counsel for petitioner, the issue of existence of relationship of employment between the parties could not be decided by the authority, since it is the Labour Court only which can adjudicate on this aspect. Learned counsel for petitioner submits that the petitioner has denied any employment relationship between the parties and this issue is already pending before the Labour Court in an Industrial Dispute, therefore, the authority in the present case ought to have waited till the decision of the



Labour Court. Learned counsel in this regard refers to an order of the coordinate bench in the case of *Dr. Mala Bhandari*, reported as (2007) 2 LLJ 464 Delhi.

3. *Prima facie*, I am not convinced with the above submissions since accepting this would lead to injustice in the sense that every employer would deny the employment relationship and frustrate the claim of workman for earned wages. Even the judicial precedent referred above does not hold that the authority has to stay the proceedings till decision of the Labour Court on the issue of employment relationship. However, the issue needs detailed deliberation, therefore, subject to the petitioner depositing the entire awarded amount with the Registry of this Court within one week, operation of the impugned order shall remain stayed till next date.

4. Subject to petitioner taking steps within two weeks, notice through all modes be issued to the respondent returnable on 30.05.2025 before Registrar.

GIRISH KATHPALIA, J

JANUARY 15, 2025/ry

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