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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC011295732018
+ **W.P.(C) 5944/2018, CM APPL. 23175/2018**
STATE BANK OF INDIAPetitioner
Through: Ms. Rajshree Dhapola, Advocate

versus

ROSHAN LALRespondent
Through: Mr. Ashok Aggarwal, Mr. Anuj
Aggarwal, Mr. Pradeep Kumar, Ms.
Anjali Bansal, Ms. Ashna, Advocates.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **01.09.2026**

CM APPL. 17405/2022 (U/s 17-B of Industrial disputes Act by respondent)

1. The present application has been filed by the respondent/workman under Section 17-B of the Industrial Disputes Act, 1947 seeking payment of wages during the pendency of the present writ petition. The writ petition assails the Award dated 14.02.2017 passed by the CGIT-cum-Labour Court-II, New Delhi in ID No.40/2010, whereby the termination of the respondent was held to be illegal and his reinstatement with 50% back wages was directed.

2. Learned counsel for the respondent submits that the respondent has remained unemployed since his termination and has not been gainfully employed in any establishment. It is submitted that the respondent has been unable to secure any employment despite his efforts and has been dependent upon friends and relatives for meeting his household expenses.



3. On the other hand, learned counsel for the petitioner submits that the respondent was engaged as a casual labour/daily-wage worker and was called for work only as and when required, without appointment against any regular post. Learned counsel submits that reinstatement is not automatic in the case of a casual worker and relies upon BSNL v. Man Singh¹, in support thereof. It is thus contended that, since reinstatement itself is not permissible in the present case, the application under Section 17-B is not maintainable. It is further submitted that the petitioner has already made payments towards earlier periods, including Rs.1,70,987/- for the period from 28.04.2003 to 30.11.2007 and Rs.1,18,844/- for the period from 05.01.1997 to 27.04.2003. Accordingly, it is contended that no further payment is liable to be made.

4. I have heard the learned counsel for the parties and perused the material placed on record.

5. At the outset, it is noted that the scope of an application under Section 17-B of the Act is limited. The merits of the challenge to the Award, including the question as to whether the respondent was rightly terminated or whether reinstatement ought to have been directed, are not required to be examined at this stage. The provision operates during the pendency of the proceedings challenging an Award directing reinstatement, subject to the statutory conditions being satisfied.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. The scope of the present application is limited to examining whether the requirements of Section 17-B of the Industrial Disputes Act, 1947 are satisfied. The petitioner's contentions concerning the nature of the

¹ (2012) 1 SCC 558



respondent's engagement, the absence of a regular post and the question as to whether reinstatement ought to have been granted, essentially pertain to the merits of the impugned Award and are matters to be considered in the writ petition. The same cannot, at this stage, be made a ground to deny the benefit of Section 17-B.

8. The respondent has specifically stated, in the application as well as in the accompanying affidavit, that he has not been gainfully employed in any establishment since his termination and has been unable to secure employment despite his efforts. The petitioner, apart from raising contentions relating to the respondent's status as a casual worker, has not placed on record any material to demonstrate that the respondent has been gainfully employed during the relevant period. The statutory requirement under Section 17-B is, therefore, satisfied.

9. The Division Bench of this Court in DTC v. EK Lakh Hussain², has reiterated that, upon fulfilment of the statutory conditions, a workman is entitled to wages under Section 17-B at the rate of the last drawn wages or the minimum wages, whichever is higher, and that such payment is to operate from the date of the Award.

10. The contention of the petitioner that amounts paid to the respondent for earlier periods should be adjusted against the amount payable under Section 17-B is also without merit. The payments referred to by the petitioner, as mentioned above, pertain to periods prior to the Award dated 14.02.2017. The present entitlement under Section 17-B, on the other hand, arises from the date of the Award and continues during the pendency of the proceedings challenging the Award. The aforesaid payments, therefore,



relate to distinct periods and cannot be treated as payment towards the respondent's statutory entitlement under Section 17-B.

11. Accordingly, the present application is allowed. The petitioner is directed to pay to the respondent/workman wages in terms of Section 17-B of the Industrial Disputes Act, i.e., full wages last drawn or the minimum wages as revised from time to time, whichever is higher, with effect from the date of the Award dated 14.02.2017 till the pendency of the writ petition.

12. The arrears shall be paid to the respondent within a period of four weeks from today.

13. The application is accordingly disposed of.

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Renotify on 20.11.2026.

MANOJ KUMAR OHRI, J

SEPTEMBER 1, 2026/rd