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

+ W.P.(C) 9408/2018 & CM Nos. 36479-36480/2018

SOUTH DELHI MUNICIPAL CORPORATION Petitioner
Through: Mr. Arun Birbal, Adv. with
Mr.Ajay Birbal, Adv.

versus

RAM CHANDER & ORS. Respondents
Through:

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER
07.09.2018

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Mr. Arun Birbal, learned counsel for petitioner, submits that, in an identical matter, namely, *South Delhi Municipal Corporation v. Satender & Ors. [W.P.(C) 8625/2018]*, this Court, on 17th August, 2018, has passed the following order:

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IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 8625/2018
SOUTH DELHI MUNICIPAL CORPORATION.... Petitioner
Through: Mr.Arun Birbal & Mr.Ajay
Birbal, Advocates
versus
SATENDER & ORS Respondents
Through: Mr.Rajiv Agarwal &
Ms.Meghna De, Advocates

CORAM:
HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER
17.08.2018

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CM No. 33094/2018

1. Exemption allowed, subject to all just exceptions.
2. Application stand disposed of.

W.P.(C) 8625/2018 & CM No. 33093/2018

1. The petitioner has invoked the writ jurisdiction of this Court under Article 226 of the Constitution of India impugning the award dated 1st November, 2017.
2. Notice. Learned counsel as above accepts notice on behalf of the respondent and submits that he has not received the paper book.
3. Let complete set of the paper book be furnished to the learned counsel for the respondent within one week.
4. LCR be requisitioned.
5. List on 18th January, 2019.
6. In the meantime, the operation of the impugned order is stayed subject to the petitioner depositing the awarded amount with the Registrar General of this Court within four weeks. The amount so deposited shall be kept in the form of FDR, initially for a period of six months with auto renewal facility, till further orders.
7. At this stage, learned counsel for the respondent submits that respondent/workman may be given some litigation expenses.
8. In the circumstances, a sum of `25,000/- be paid to the respondent/workman by the petitioner towards the litigation expenses within four weeks.”

(Emphasis supplied)

He submits that there is no distinction, whatsoever, between that case and the present. In the present case, he submits that the payment of back wages was not made and only a recovery certificate has been

issued.

Accordingly, Mr. Birbal prays that, subject to depositing the award amount with the Registrar General of this Court, as directed in the order dated 17th August, 2018 in W.P.(C) No.8625/2018, notice may be issued and stay granted on the same terms as are contained in that order.

In view of the submission made by Mr. Birbal, regarding the controversy in W.P.(C) No.8625/2018 being identical to that in the present case, let notice issue in the present writ petition as well.

Notice.

Mr. Rajiv Agarwal appears and accepts notice on behalf of respondents and accepts notice.

Let complete set of the paper book be furnished to learned counsel for respondents within one week.

Mr. Rajiv Agarwal submits that, in the present case, back wages have been paid. Mr. Arun Birbal refutes this submission stating that only a recovery certificate has been issued.

List on 18th January, 2019 when W.P.(C) No.8625/2018 is listed.

Let LCR be requisitioned.

In the meantime, the operation of the impugned order is stayed subject to the petitioner depositing the awarded amount with the Registrar General of this Court within four weeks. The amount so deposited shall be kept in the form of FDR, initially for a period of six months with auto renewal facility, till further orders.

Petitioner is directed to pay a sum of ₹ 15,000/- to each of the respondent/workmen, towards litigation expenses, within four weeks.

Dasti.

SEPTEMBER 07, 2018
dsm

C.HARI SHANKAR, J