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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 13091/2018
JAMIA MILLIA ISLAMIAPetitioner

Through: Mr.K.K. Mishra, ASC

versus

NAILA KHATOONRespondent

Through: Ms.Shomya, Mr.Anshul Sharma and
Mr.A. Gupta, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **11.05.2026**

CM APPL. 21277/2019 (under Section 17-B of Industrial disputes Act by respondent)

1. By way of the present application, the respondent/workman seeks payment of wages in terms of Section 17-B of the Industrial Disputes Act, 1947 (hereinafter referred to as "the Act") during the pendency of the present writ petition.
2. The present writ petition has been preferred by the petitioner/management assailing the Award dated 25.05.2018 passed by the learned Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court No.1, Dwarka Courts, New Delhi in I.D. No.118/2016, whereby the termination of the respondent/workman was held to be illegal and the petitioner was directed to reinstate the respondent/workman with full back wages and continuity of service.
3. The record would show that the respondent/workman was engaged with the petitioner University as a Caretaker at G.P. Girls Hostel and was drawing last wages of Rs.8,502/- per month at the time of termination.



4. Learned counsel appearing for the respondent/workman submits that despite the Award of reinstatement, the respondent has neither been reinstated in service nor paid any wages in terms of the Award. It is further submitted that the respondent has remained unemployed since the date of the Award. An affidavit to the said effect has been placed on record.

5. *Per contra*, learned counsel appearing for the petitioner/management opposes the present application and submits that the respondent/workman was engaged purely on contractual basis and was not appointed against a regular sanctioned post. It is further submitted that the respondent/workman was terminated on account of misconduct and dereliction of duties, including acts compromising the safety and security of the students residing in the Girls Hostel. Learned counsel also submits that the respondent/workman was paid one month salary in lieu of notice in terms of Section 25F of the Act and therefore the impugned Award is liable to be set aside.

6. At the stage of consideration of an application under Section 17-B of the Act, the scope of enquiry before this Court is extremely limited and does not extend to re-appreciation of evidence or adjudication upon the correctness of the findings returned by the Labour Court. The Court is only required to examine whether there exists an Award directing reinstatement of the workman, whether the same is under challenge before the High Court or the Supreme Court, and whether the workman has filed an affidavit stating that they are not gainfully employed elsewhere. Once these conditions stand satisfied, the statutory mandate under Section 17-B comes into operation.



7. The contentions raised on behalf of the petitioner, including the plea that the respondent/workman was engaged on contractual basis, that her services were dispensed with on account of alleged misconduct, and that the impugned Award is unsustainable in law, are therefore wholly extraneous to the limited scope of consideration under Section 17-B of the Act and cannot be gone into at this interlocutory stage.

8. The provision of 17-B embodies a statutory and beneficial mandate requiring the employer to pay last drawn wages to the workman during the pendency of proceedings once an Award of reinstatement is under challenge, subject only to the workman not being gainfully employed.

9. The scope and object of Section 17-B of the Industrial Disputes Act stands explained by the Supreme Court in Dena Bank v. Kiritikumar T. Patel¹, wherein it was observed that the provision has been enacted to relieve hardship caused to a workman due to delay in implementation of an Award of reinstatement during pendency of proceedings before the High Court or Supreme Court. It is equally well settled that while considering an application under Section 17-B of the Act, the Court is not required to undertake a detailed examination of the merits of the Award under challenge. In Anil Jain v. Jagdish Chander², the Supreme Court observed that proceedings under Section 17-B are in the nature of interim relief and are confined to examining whether the statutory conditions contemplated under the provision stand satisfied.

¹ (1999) 2 SCC 106

² 1999 SCC OnLine Del 496



10. Mere pendency of challenge to the Award or objections touching upon the merits of the dispute cannot defeat the statutory entitlement under Section 17-B of the Act.

11. In the present case, the respondent/workman has placed on record an affidavit stating that she has not been gainfully employed since the date of the Award. The petitioner has failed to place any material on record to rebut the same. It is also well settled that at this stage, the Court is not required to examine the merits of the Award under challenge.

12. In view of the aforesaid, this Court is of the considered opinion that the respondent/workman is entitled to relief under Section 17-B of the Act.

13. Accordingly, the present application is allowed.

14. The petitioner/management is directed to pay to the respondent/workman wages under Section 17-B of the Industrial Disputes Act, 1947, computed on the basis of last drawn wages along with arrears from the date of the Award i.e., 25.05.2018, during the pendency of the present writ petition. The arrears shall be cleared within a period of four weeks from today.

15. The present application is disposed of.

W.P.(C) 13091/2018, CM APPL. 50853/2018 and CM APPL. 50854/2018 (stay)

List on 29.07.2026.

MANOJ KUMAR OHRI, J

MAY 11, 2026

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