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

% *Date of Judgment: 28.02.2023*

17.

+ W.P.(C) 15903/2022 and C.M. No. 49490/2022

THE DIRECTOR, ICAR ..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt and Ms. Payal Swaroop, Advocates.

versus

SH. NAND KISHORE CHOUDHARY AND ORS..... Respondents

Through: Mr. Sushil Rajora SPC-UOI for R-2.

Ms. Garima Sachdeva and Ms. Poonam, Advocate for R-1/UOI.  
Mr. Yeeshu Jain SC, with Ms. Jyoti Tyagi and Ms. Manisha, Advocates for R-2 & 3.

18.

+ W.P.(C) 16225/2022 and C.M. No. 50761/2022

THE DIRECTOR, ICAR ..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt and Ms. Payal Swaroop, Advocates.

versus

SH VINOD PODDAR ..... Respondent

Through: Mr. Yeeshu Jain SC, with Ms. Jyoti Tyagi and Ms. Manisha, Advocates for R-2 & 3.

19.

+ W.P.(C) 16236/2022 and C.M. No. 50802/2022

DIRECTOR, ICAR ..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt and Ms. Payal Swaroop, Advocates.

versus

KAMAL PASWAN AND ORS. .... Respondents

Through: Mr. Yeeshu Jain SC, with Ms. Jyoti Tyagi and Ms. Manisha, Advocates for R-2 & 3.

Mr. Sandeep Tyagi, Senior Panel Counsel for R-3/VOI.

20.

+ W.P.(C) 16237/2022 and C.M. No. 50803/2022

DIRECTOR, ICAR .... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt and Ms. Payal Swaroop, Advocates.

versus

NISSAR AHMED AND ORS. .... Respondents

Through: Mr. Yeeshu Jain SC, with Ms. Jyoti Tyagi and Ms. Manisha, Advocates for R-2 & 3.

Mr. Santosh Kr. Pandey with Mr. Reshesh Mani Tripathi, Advocates for VOI.

21.

+ W.P.(C) 16296/2022 and C.M. No. 51002/2022

DIRECTOR, ICAR .... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt and Ms. Payal Swaroop, Advocates.

versus

BRIJ KISHORE AND ORS. .... Respondents

Through: Mr. Yeeshu Jain SC, with Ms. Jyoti

Tyagi and Ms. Manisha, Advocates for R-2 & 3.

Mr. Abhishek Singh, Advocate for UOI.

22.

+ W.P.(C) 1351/2023 and C.M. No. 5066/2023

DIRECTOR ICAR

..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt and Ms. Payal Swaroop, Advocates.

versus

SH LAL BABU AND ORS.

..... Respondents

Through: Ms. Shubhra Parashar, Mr. Virender Pratap Singh and Mr. Dipesh Chaudhary, Advocates for R-2/Labour Commission Central. Mr. Yeeshu Jain ASC with Ms. Jyoti Tyagi, Advocate.

23.

+ W.P.(C) 1353/2023 and C.M. No. 5070/2023

DIRECTOR, IRAI

..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt and Ms. Payal Swaroop, Advocates.

versus

SH MUNNA RAM AND ORS.

..... Respondents

Through: Mr. Sushil Raaja, SPC-UOI for R-2. Mr. Yeeshu Jain SC, with Ms. Jyoti Tyagi and Ms. Manisha, Advocates for R-2 & 3.

24.

+ W.P.(C) 1358/2023 and C.M. No. 5076/2023

DIRECTOR ICAR

..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt and Ms. Payal Swaroop, Advocates.

versus

SH VIRENDER KUMAR AND ORS. .... Respondents

Through: Mr. Yeeshu Jain SC, with Ms. Jyoti Tyagi and Ms. Manisha, Advocates for R-2 & 3.  
Ms. Saroj Bidawat, Advocate for UOI.

25.

+ W.P.(C) 1368/2023 and C.M. No. 5094/2023

DIRECTOR ICAR .... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt and Ms. Payal Swaroop, Advocates.

versus

SH MAHESH CHAND AND ORS. .... Respondents

Through: Mr. Yeeshu Jain SC, with Ms. Jyoti Tyagi and Ms. Manisha, Advocates for R-2 & 3.  
Ms. Shubhra Parashar, Mr. Virender Pratap Singh, Mr. Dipesh Chaudhary and Ms. Pinky Yadav, Advocates for R-2/Labour Commission Central.

26.

+ W.P.(C) 1401/2023 and C.M. No. 5238/2023

DIRECTOR ICAR .... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt and Ms. Payal Swaroop, Advocates.

versus

SH ARVIND KUMAR MAHATO AND ORS ..... Respondents

Through: Mr. Ved Prakash Tripathi SPC, and Mr. Rahul K. Sharma, Advocate for R-2.

Mr. Rishikesh Kumar ASC GNCTD, Mr. Aditya Raj, Mr. Sumit Chaudhary, Mr. Yeeshu Jain SC, with Ms. Jyoti Tyagi and Ms. Manisha, Advocates for R-2 & 3.

27.

+ W.P.(C) 1402/2023 and C.M. No. 5239/2023

DIRECTOR ICAR

..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt and Ms. Payal Swaroop, Advocates.

versus

SH GULAB BABU MAHATO AND ORS

..... Respondents

Through:

Ms. Uma Prasuna Bachu, SPC for R-2/UOI.

Mr. Rishikesh Kumar ASC GNCTD, Mr. Aditya Raj, Mr. Sumit Chaudhary, Mr. Yeeshu Jain SC, with Ms. Jyoti Tyagi and Ms. Manisha, Advocates for R-2 & 3.

28.

+ W.P.(C) 1415/2023 and C.M. No. 5330/2023

DIRECTOR, ICAR

..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt and Ms. Payal Swaroop, Advocates.

versus

SH KAMAL PASWAN AND ORS.

..... Respondents

Through: Mr. S.K. Tyagi and Mr. Mohit Joshi, Advocate for R-2.  
Mr. Rishikesh Kumar ASC GNCTD, Mr. Aditya Raj, Mr. Sumit Chaudhary, Mr. Yeeshu Jain SC, with Ms. Jyoti Tyagi and Ms. Manisha, Advocates for R-2 & 3.  
Mr. Amit Gupta, SPC for UOI.

29.

+ W.P.(C) 1801/2023 and C.M. No. 6840/2023

DIRECTOR, ICAR ..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt and Ms. Payal Swaroop, Advocates.

versus

SH.VIJAY KUMAR AND ORS. ..... Respondents

Through: Mr. Yeeshu Jain SC, with Ms. Jyoti Tyagi and Ms. Manisha, Advocates for R-2 & 3.

30.

+ W.P.(C) 108/2023 and C.M. No. 394/2023

DIRECTOR, ICAR ..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt and Ms. Payal Swaroop, Advocates.

versus

SH DAYA NAND AND ORS. ..... Respondents

Through: Mr. Syed Abdul Haseeb, SPC for R-2.

Ms. Shubhra Parashar, Mr. Virender Pratap Singh and Mr. Dipesh Chaudhary, Advocates for R-2/Labour Commission Central.

Mr. Yeeshu Jain SC, with Ms. Jyoti

Tyagi and Ms. Manisha, Advocates  
for R-2 & 3.

31.

+ W.P.(C) 109/2023 and C.M. No. 395/2023

DIRECTOR, ICAR

..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate  
with Mr. Praveen Swaroop, Mr.  
Govind Kumar, Mr. Sachin Bhatt  
and Ms. Payal Swaroop, Advocates.

versus

SH NAGENDER PASWAN

..... Respondent

Through: Mr. Yeeshu Jain SC, with Ms. Jyoti  
Tyagi and Ms. Manisha, Advocates  
for R-2 & 3.

32.

+ W.P.(C) 111/2023 and C.M. No. 398/2023

DIRECTOR, ICAR

..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate  
with Mr. Praveen Swaroop, Mr.  
Govind Kumar, Mr. Sachin Bhatt  
and Ms. Payal Swaroop, Advocates.

versus

VINOD KUMAR AND ORS

..... Respondents

Through: Mr. Yeeshu Jain SC, with Ms. Jyoti  
Tyagi and Ms. Manisha, Advocates  
for R-2 & 3.

Ms. Hetu Arora Sethi, ASC for  
GNCTD with Mr. Arjun Basra,  
Advocates.

Mr. Avnish Singh (SCGC) with Mr.  
Aditya Vikram Dembla, Advocate  
for UOI.

33.

+ W.P.(C) 153/2023 and C.M. No. 556/2023

THE DIRECTOR (ICAR)

..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt and Ms. Payal Swaroop, Advocates.

versus

SH RAM RATTAN SINGH AND ORS. .... Respondents

Through: Ms. Hetu Arora Sethi, ASC for GNCTD with Mr. Arjun Basra, Advocates.

Mr. Yeeshu Jain ASC with Ms. Jyoti Tyagi, Advocate.

34.

+ W.P.(C) 156/2023 and C.M. No. 559/2023

DIRECTOR, ICAR .... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt and Ms. Payal Swaroop, Advocates.

versus

SH SANJAY KUMAR AND ORS. .... Respondents

Through: Mr. Yeeshu Jain SC, with Ms. Jyoti Tyagi and Ms. Manisha, Advocates for R-2 & 3.

Ms. Hetu Arora Sethi, ASC for GNCTD with Mr. Arjun Basra, Advocates.

Ms. Reema Khorana, Senior Panel Counsel and Mr. Vikash Kumar, Advocate for R-2/Regional Labour Commissioner (Central).

35.

+ W.P.(C) 162/2023 and C.M. No. 566/2023

DIRECTOR, ICAR .... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt

and Ms. Payal Swaroop, Advocates.  
versus  
**RAM JI PASWAN AND ORS** ..... Respondents

Through: Mr. Yeeshu Jain SC, with Ms. Jyoti Tyagi and Ms. Manisha, Advocates for R-2 & 3.

**36.**  
+ W.P.(C) 163/2023 and C.M. No. 567/2023  
**DIRECTOR, ICAR** ..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt and Ms. Payal Swaroop, Advocates.

versus  
**SH NAGENDER PASWAN AND ORS.** ..... Respondents

Through: Mr. Rishikesh Kumar ASC GNCTD, Mr. Aditya Raj, Mr. Sumit Chaudhary, Advocates for R-2&3.  
Mr. Virender Pratap Singh, Ms. Shubhra Parashar and Ms. Pinky Yadav, Advocates for R-2/Labour Commission Central.  
Mr. Yeeshu Jain SC, with Ms. Jyoti Tyagi and Ms. Manisha, Advocates for R-2 & 3.

**37.**  
+ W.P.(C) 164/2023 and C.M. No. 568/2023  
**DIRECTOR, ICAR** ..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt and Ms. Payal Swaroop, Advocates.

versus  
**SH DILIP KUMAR AND ORS.** ..... Respondents

Through: Mr. Rishikesh Kumar ASC GNCTD, Mr. Aditya Raj, Mr. Sumit

Chaudhary, Advocates for R-2&3.  
Mr. Yeeshu Jain ASC with Ms.  
Jyoti Tyagi, Advocate.

38.

+ W.P.(C) 197/2023 and C.M. No. 686/2023

DIRECTOR, ICAR

..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate  
with Mr. Praveen Swaroop, Mr.  
Govind Kumar, Mr. Sachin Bhatt  
and Ms. Payal Swaroop, Advocates.

versus

SH BALWAN SINGH

..... Respondent

Through: Mr. S. A. Haseeb, Advocate for R-  
2.  
Mr. Yeeshu Jain SC, with Ms. Jyoti  
Tyagi and Ms. Manisha, Advocates  
for R-2 & 3.

39.

+ W.P.(C) 201/2023 and C.M. No. 693/2023

THE DIRECTOR, ICAR

..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate  
with Mr. Praveen Swaroop, Mr.  
Govind Kumar, Mr. Sachin Bhatt  
and Ms. Payal Swaroop, Advocates.

versus

SH VINOD KUMAR AND ORS.

..... Respondents

Through: Mr. Yeeshu Jain SC, with Ms. Jyoti  
Tyagi and Ms. Manisha, Advocates  
for R-2 & 3.  
Ms. Hetu Arora Sethi, ASC for  
GNCTD with Mr. Arjun Basra,  
Advocates.

40.

+ W.P.(C) 204/2023 and C.M. No. 697/2023

DIRECTOR, ICAR

..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt and Ms. Payal Swaroop, Advocates.

versus

SH NAVIN KUMAR AND ORS.

..... Respondents

Through: Mr. Rishikesh Kumar ASC GNCTD, Mr. Aditya Raj, Mr. Sumit Chaudhary, Advocates for R-2&3. Mr. Yeeshu Jain SC, with Ms. Jyoti Tyagi and Ms. Manisha, Advocates for R-2 & 3.

41.

+ W.P.(C) 206/2023 and C.M. No. 704/2023

DIRECTOR, ICAR

..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt and Ms. Payal Swaroop, Advocates.

versus

SH K L PASWAN AND ORS.

..... Respondents

Through: Ms. Ritu Reniwal, Senior Panel Counsel for R-2/UOI.

Ms. Hetu Arora Sethi, ASC for GNCTD with Mr. Arjun Basra, Advocates.

Mr. Yeeshu Jain ASC with Mr. Jyoti Tyagi, Advocate.

42.

+ W.P.(C) 645/2023 and C.M. No. 2511/2023

DIRECTOR IARI

..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt and Ms. Payal Swaroop, Advocates.

versus

SH LAL BAHADUR SAH AND ORS ..... Respondent

Through: Mr. Yeeshu Jain SC, with Ms. Jyoti Tyagi and Ms. Manisha, Advocates for R-2 & 3.

43.

+ W.P.(C) 647/2023 and C.M. No. 2516/2023

DIRECTOR, IARI ..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt and Ms. Payal Swaroop, Advocates.

versus

SH RAM CHANDER SHAH AND ORS ..... Respondents

Through: Mr. Yeeshu Jain SC, with Ms. Jyoti Tyagi and Ms. Manisha, Advocates for R-2 & 3.

44.

+ W.P.(C) 660/2023 and C.M. No. 2580/2023

DIRECTOR IARI ..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt and Ms. Payal Swaroop, Advocates.

versus

SH UMESH PASWAN AND ORS ..... Respondents

Through: Mr. Yeeshu Jain SC, with Ms. Jyoti Tyagi and Ms. Manisha, Advocates for R-2 & 3.

45.

+ W.P.(C) 661/2023 and C.M. No. 2581/2023

DIRECTOR IARI ..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt and Ms. Payal Swaroop, Advocates.

versus

SH RAM MANOHAR MEHTO AND ORS ..... Respondents

Through:

46.

+ W.P.(C) 662/2023 and C.M. No. 2582/2023

DIRECTOR, INDIAN AGRICULTURE  
RESEARCH INSTITUTE

..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate  
with Mr. Praveen Swaroop, Mr.  
Govind Kumar, Mr. Sachin Bhatt  
and Ms. Payal Swaroop, Advocates.

versus

SH. KAILASH KAPAR AND ORS. ..... Respondents

Through: Mr. Yeeshu Jain SC, with Ms. Jyoti  
Tyagi and Ms. Manisha, Advocates  
for R-2 & 3.

47.

+ W.P.(C) 667/2023 and C.M. No. 2588/2023

DIRECTOR IARI

..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate  
with Mr. Praveen Swaroop, Mr.  
Govind Kumar, Mr. Sachin Bhatt  
and Ms. Payal Swaroop, Advocates.

versus

SH INDER DEV MAHATO AND ORS. ..... Respondents

Through: Mr. Yeeshu Jain SC, with Ms. Jyoti  
Tyagi and Ms. Manisha, Advocates  
for R-2 & 3.

48.

+ W.P.(C) 668/2023 and C.M. No. 2589/2023

DIRECTOR IARI

..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate  
with Mr. Praveen Swaroop, Mr.  
Govind Kumar, Mr. Sachin Bhatt

and Ms. Payal Swaroop, Advocates.  
versus  
**SH SATYA PRAKASH** ..... Respondent  
Through: Mr. Yeeshu Jain SC, with Ms. Jyoti Tyagi and Ms. Manisha, Advocates for R-2 & 3.

**49.**  
+ W.P.(C) 811/2023 and C.M. No. 3125/2023  
**DIRECTOR, IARI** ..... Petitioner  
Through: Mr. Sanjay Poddar, Sr. Advocate with Mr. Praveen Swaroop, Mr. Govind Kumar, Mr. Sachin Bhatt and Ms. Payal Swaroop, Advocates.

versus  
**SURENDER PAL AND ORS.** ..... Respondents  
Through: Mr. Yeeshu Jain SC, with Ms. Jyoti Tyagi and Ms. Manisha, Advocates for R-2 & 3.

**CORAM:**  
**HON'BLE MR. JUSTICE GAURANG KANTH**

**GAURANG KANTH, J. (ORAL)**

The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. The petitioner/management in the present batch of present writ petitions are assailing the communications dated 11.10.2022, issued by the Regional Labour Commissioner (Central), Delhi to the District Collection Officer/ Collector, SDM (Karol Bagh) for the recovery of the amount as mentioned therein.
2. The respondent/workman filed the Labour Condition Applications (LCA) under Section 33-C(2) of the Industrial Disputes Act, 1947 before

the Presiding Officer, Central Government Industrial Tribunal Cum Labour Court No.1, Rouse Avenue Court Complex. In pursuance to the said LCAs, learned tribunal passed an ex-parte order(s) dated 11.04.2022, the learned tribunal allowed the said LCAs filed by the respondent/workman and directed the amount claimed by the respondent/workman to be paid within 90 days to them and in case the said amount is not paid within the period of 90 days from the date of the order, the petitioner/management shall also be liable to pay interest. Being aggrieved by the said order(s)/communications, the petitioner preferred the present writ petitions.

### **FACTS RELEVANT FOR DISPOSAL OF THE PRESENT CASE**

3. Since all the petition raise similar grounds, the facts mentioned in the WP (C) No. 15903/2022 are referred to in the present judgment.

4. The dispute between the petitioner management/IARI and the daily rated workman of IARI was referred to Industrial Tribunal-cum- Labour Court, Dwarka, Delhi vide letter No. L-4201/14/2014/IR (DU) dated 12.03.2014 under clause (d) of sub-section (1) and sub-section (2A) of the Section 10 of the Industrial Disputes Act, 1947 for adjudication of an industrial dispute, terms of which are as under:-

*“Whether non payment of 1/30<sup>th</sup> of Pay at the minimum of relevant pay-scale +DA to the workman Shri Ram Manohar Mehto and others in the tune of instructions of F.No.24 (6)/99-CPN dated 16.12.1988 and non regularization of their services till date are just, fair and legal ? If no, what relief the workmen concerned are entitled to?”*

5. The learned Tribunal vide award dated 08.08.2018 answered the references in affirmative and, *inter alia*, held as under:-

*“Having regard to the aforesaid facts and circumstances of the case, this Tribunal is of the considered view that the workmen/claimants are entitled to get 1/30<sup>th</sup> of pay at the*

*minimum of relevant pay-scale + DA in terms of instructions bearing F.No. 24(6)/99-CPN dated 16.12.201988 and they are also entitled to be regularized in terms of the DOPT's memo dated 11/2/2006. The award is passed accordingly."*

6. The respondent/workman filed LCA No. 1501/2019 under Section 33-C(2) of the Industrial Disputes Act before the learned Tribunal for seeking pay and allowances w.e.f. their initial date of appointment as daily paid labourer in IARI on the basis of Award dated 08.08.2018 alongwith interest. The learned tribunal vide ex-parte order dated 11.04.2022 had allowed the said LCAs whereby it has been directed that the amount claimed by the respondent/workman shall be paid to them within 90 days of the order and in case, the said amount is not paid within 90 days from the date of the order, the petitioner/management shall also be liable to pay interest. Being aggrieved the present petition has been filed.

#### **ARGUMENTS BY LEARNED COUNSEL FOR THE PETITIONER.**

7. Learned counsel for the appellant contented that post-pandemic, the physical hearing of the court proceedings were just resuming and hence, there was a lot of confusion regarding the listing of matters before various forums. The petitioner/management wrote various letters to the Registry of the learned Tribunal enquiring about the listing of the said matters. However, no intimation was given to them by the Registry of learned Tribunal

8. Being unaware of the listing of the matters, petitioner/management could not appear before the learned Tribunal on 11.04.2022 and the learned Tribunal passed the ex-parte order dated 11.04.2022. The petitioner/management filed recalling application's before the learned Tribunal and the respondent/workman had filed their respective response

to the said applications.

9. The learned counsel for the petitioner submits that in view of the judgment of the Hon'ble Supreme Court in *M/s Haryana Suraj Malting Ltd. versus Phool Chand* reported as 2018 (18) SCC 567, the learned Tribunal has the power to recall ex-parte award/order(s).

10. Learned counsel further submits that the recalling applications were pending consideration before the learned Tribunal, however, without any application of mind, the Regional Labour Commissioner (Central), Delhi had issued the impugned communications dated 11.10.2022 alongwith requisition form to the District Collection Officer/ Collector, SDM, Karol Bagh for recovery of the amount due to the workman/respondent in terms of the order dated 11.04.2022. Being aggrieved by the said communications dated 11.10.2022, the petitioner has filed the present writ petitions.

### **LEGAL ANALYSIS**

10. Notice had been issued in these matters and the court has stayed the recovery proceedings initiated in terms of the order dated 11.04.2022 in various LCAs.

11. This court has examined the matter in details. The recalling applications filed by the petitioner is pending consideration before the learned Tribunal and it is stated that the same is listed for hearing on 24.03.2023. The communications dated 11.10.2022 have emanated from the order dated 11.04.2022 and since the applications for recalling the said order are itself pending before the Regional Labour Commissioner, the communication dated 11.10.2022 ought not to have been issued by the Regional Labour Commissioner. In view of the same, the communications

dated 11.10.2022 issued in pursuance of the order dated 11.04.2022 is hereby set aside.

12. The parties are directed to present their respective cases before the learned Labour Commissioner on the date fixed. Though, no Counter affidavits have been filed by the respondents, but learned counsel for the respondents have stated that they have no objection if the present writ petitions are disposed of with direction to learned Labour Commissioner to decide the pending recalling applications expeditiously.

13. This court without expressing any opinion on the merit of the matter is of the view that there is no purpose in keeping the present writ petitions pending. Labour Commissioner is directed to decide the pending application as expeditiously as possible.

14. With these observations, the present writ petitions are allowed.

15. All pending applications are disposed of.

16. No orders as to costs.



GAURANG KANTH, J.

**FEBRUARY 28, 2023**

*MS*

