

\$~230, 232-234, 236, 237, 239 & 240

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

- + W.P.(C) 16561/2022 & CM APPL. 52072/2022 -Stay.
CM APPL. 52073/2022 -Ex.
- + W.P.(C) 16573/2022, CM APPL. 52108/2022 -Stay.
CM APPL. 52109/2022 -Ex.
- + W.P.(C) 16574/2022, CM APPL. 52110/2022 -Stay.
CM APPL. 52111/2022 -Ex.
- + W.P.(C) 16575/2022, CM APPL. 52112/2022 -Stay.
CM APPL. 52113/2022 -Ex.
- + W.P.(C) 16592/2022, CM APPL. 52161/2022 -Stay.
CM APPL. 52162/2022 -Ex.
- + W.P.(C) 16593/2022, CM APPL. 52163/2022 -Stay.
CM APPL. 52164/2022 -Ex.
- + W.P.(C) 16604/2022, CM APPL. 52243/2022 -Stay.
CM APPL. 52244/2022 -Ex.
- + W.P.(C) 16605/2022, CM APPL. 52245/2022 -Stay.
CM APPL. 52246/2022 -Ex.

MUNICIPAL CORPORATION OF DELHI

..... Petitioner

Through: Mr. Sanjeev Sagar with Ms. Nazia
Parveen, Advs. for MCD.

Versus

GOVT OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Rajesh Kumar Agnihotri, Adv.
for R-1 (Govt. of NCT of Delhi)
Mr. Rishikesh Kumar, ASC, GNCTD
with Md. Zaid, Mr. Aditya Raj and
Ms. Sheenu Priya, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

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ORDER
02.12.2022

1. The present petitions preferred by the Municipal Corporation of Delhi seek to assail identical recovery certificates issued in favour of the respondent/workmen on 22.08.2022.
2. Vide the impugned certificates, the petitioner has been directed to pay the agreed amount, as referred to in the settlement award alongwith interest @8% p.a. with effect from 29.01.2014. It is the common case of the parties that the recovery certificates were, thereafter, corrected by way of a corrigendum issued on 21.11.2022 reducing the rate of interest to 6% per annum.
3. The primary contention of the learned counsel for the petitioner is that while entering into a settlement, which formed the basis of passing of the award in favour of the respondents, the petitioner had only agreed to pay the amount as referred to in the settlement and had not agreed for payment of any interest from 29.01.2014, as has been granted under the impugned recovery certificates. He, therefore, contends that the petitioner is liable to pay interest only from the date of the award.
4. On the other hand, learned senior counsel for the respondent, who appears on advance notice, submits that the award specifically records that interest would be payable from the date of accrual which would imply that the date on which the right of the workmen to receive the dues accrued in their favour. He, therefore, contends that the learned Deputy Labour Commissioner was justified in issuing the impugned recovery certificates.
5. Having considered the submissions of learned counsel for the parties

and perused the record, I find that the impugned recovery certificates have been issued without dealing with any of these submissions of the parties. The impugned recovery certificates insofar as they relate to the grant of interest, are unsustainable. I am, therefore, of the view that the matter regarding the grant of interest needs to be re-considered by the learned Deputy Labour Commissioner.

6. The impugned recovery certificates are, accordingly, set aside qua the grant of interest in favour of the respondents/workmen and the matters are, accordingly, remanded back to the learned Deputy Labour Commissioner, Central District to re-consider the question of the date from which interest would be payable and issue fresh recovery certificates in accordance with law after dealing with the rival submission of the parties on the aspect of interest.
7. Since the impugned recovery certificates are being set aside only on the question of determination of the date from which interest will be payable, the petitioner will, within 45 days, pay to the workmen the admitted amount in terms of the settlement award with interest @6% per annum from the date of the award. However in case, the amount towards these claims already stands deposited by the petitioner, the learned Deputy Labour Commissioner will forthwith release, in favour of the workmen, the admitted amounts in terms of award with interest @6% per annum from the date of the award.
8. The writ petition, alongwith pending applications, is disposed of in the aforesaid terms with a further direction to the petitioner to pay litigation expenses of Rs.5,000/- to each of the respondents/workmen within the same period of 45 days.

9. At this stage, it is noted that, like in the present batch of petitions when writ petitions assailing the awards/orders passed by the learned labour court are filed by the management including the Municipal Corporation, the government of NCT is impleaded as respondent no.1 and the workmen is generally impleaded as respondent no.2/respondent no.3 and consequently the title of all these petitions assailing different awards is identical, causing confusion to the workmen. It is, therefore, deemed necessary to direct the Registry to issue the following practice directions-

“In any writ petition which is filed assailing the order/award passed by the learned labour court or any other statutory authority where the workman is a contesting respondent, the petitioner will be required to array the workman as respondent no.1 so that the workman is easily able to locate the writ petition in the cause list.”

10. The writ petitions, accordingly, stand disposed of.

REKHA PALLI, J

DECEMBER 2, 2022

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