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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6128/2017 & CM APPLs.25462/2017, 8588/2018**

NORTH DELHI MUNICIPAL COORPORATION Petitioner
Through: Mr. R.V. Sinha, Standing Counsel
with Mr. Amit Sinha and Ms.
Sharanya Sinha, Advocates.
(M:9868230464)
versus

VANDANA & 22 ORS. Respondents
Through: Mr. Rajiv Aggarwal, Advocate.
Ms. Avnish Ahlawat, Advocate, Mr.
Nitesh Kumar Singh, Mrs. Tania
Ahlawat, Ms. Palak Rohmetra,
Advocates for Petitioners in
W.P.(C)3276/2018.
Mr. Naushad Ahmed Khan, ASC,
GNCTD with Mr. Zahid and Ms.
Manisha Chauhan, Advocates.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **31.05.2021**

1. This hearing has been done through video conferencing.

CM APPL.16326/2019

2. This is an application for expedited hearing of the matter. The matter has been heard substantially on several dates.

3. Accordingly, the present application has become infructuous and the same is disposed of.

CM APPL.14131/2020 (for exemption)

4. Allowed, subject to all just exceptions. Application is disposed of.

CM APPL.11964/2018 (for impleadment)

5. This is an application filed by the Petitioner Corporation seeking impleadment of East Delhi Municipal Corporation (“EDMC”) and South Delhi Municipal Corporation (“SDMC”).

6. Ms. Avnish Ahlawat, Id. Counsel appearing for the Workmen submits that a separate writ petition being *W.P.(C) 3276/2018* titled *East Delhi Municipal Corporation v. Jolly Joseph and Ors.* has already been filed by the EDMC. SDMC has chosen not to challenge the impugned award.

7. In view thereof, no further orders are called for in this application, and the same is disposed of.

CM APPL.15611/2021 (for directions)

8. This is an application filed on behalf of the Respondent- Workmen seeking implementation of the order dated 29th January, 2021 passed by this Court. The operative portion of the said order directs as under:

“6. Given the aforesaid position, I am inclined to direct the petitioner corporation to pay to the applicants/respondents, wages, based on the parameters provided under Section 17B of the I.D. Act, albeit, in exercise of powers conferred on this Court under Article 226 of the Constitution.

6.1. The obligation to pay the wages, as directed above, will, however, commence from the date of this order.

6.2. Needless to add, the payments in terms of the aforementioned order will be made to the applicants/respondents on or before 1st day of each month.

6.3. *I may also add that in case the petitioner-corporation were to call upon the applicants/respondents to join work, they will do so, unhesitatingly. However, the petitioner-corporation will give the applicants/respondents at least three days' notice, in writing, on their last known address or, in the alternative, via their counsel-on-record."*

9. Ld. counsel for the Respondents- Workmen submits that the amounts directed to be paid as per parameters laid down under Section 17B of the Industrial Disputes Act, 1947 are not being paid by the Corporation. It is further submitted that an LPA challenging the said order has also been dismissed by the Id. Division Bench on 16th March, 2021.

10. On the other hand, Mr. Sinha, Id. Counsel appearing for the Corporation submits that the Corporation has preferred an SLP against the said LPA order as according to him, the order dated 29th January, 2021 was not on the application under Section 17B, but only because the final hearing of the matter could not be concluded on the said date.

11. This Court is of the opinion that there is no valid ground for the Petitioner for not complying with the order of this Court, especially when it involves monthly payment of wages to workmen. The order directing payment was passed on 29th January 2021. The said order has been upheld on 16th March 2021, by the Ld. Division Bench in **LPA No.112/2021**. The SLP is stated to have been filed but admittedly is not even listed. The order has been in operation for more than five months and there is no stay upon the operation of the order of the court dated 29th January 2021.

12. Accordingly, it is directed that the payment, in terms of the order dated 29th January 2021, be released by the Corporation within a period of

four weeks. The said release would however, be subject to orders, if any, that may be passed in the SLP. In case the payments are not released, a Senior officer of the North Delhi Municipal Corporation shall remain present in Court on the next date.

13. List on 26th August, 2021 along with *W.P.(C) 3276/2018* and *3437/2020*.

PRATHIBA M. SINGH, J.

MAY 31, 2021/dk/Ak