



2026:DHC:3836



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

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Date of Decision: 30.04.2026+ **W.P.(C) 3476/2026**

ADIL MURTAZA

.....Petitioner

Through: Ms. Manini Bharti, Adv.

versus

ASSISTANT LABOUR COMMISSIONER (CENTRAL),
DEPARTMENT OF LABOUR AND EMPLOYMENT AND ORS

.....Respondents

Through: Mr. Siddhartha Shankar Ray, CGSC,
Ms. Sonali Modi and Mr. Mukul Dev,
Adv. for R-1 and 3.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The present petition assails an order dated 20.02.2026, passed by the respondent no.1, whereby the petitioner's claim under the Payment of Gratuity Act, 1972 has been purported to be dismissed. The said order (typed copy of which has been annexed as Annexure-1 to the present petition) reads as under:

*“20.02.2026**Present Belaeena Biju, Adv. on behalf of applicant.**The rep. of applicant submits that they are not able to trace the whereabouts of the M/s Karvy Stock Broking Ltd. Company.**The Notices are also received back without services.**In view of the above, the matter is dismiss, as no address was found.**Order will pass accordingly.**Sd/-**20/2/26**Sd/*



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Beleena Biju.”

2. It is the case of the petitioner that the concerned authority has abdicated its adjudicatory functions in passing the above order and has sought to non-suit the petitioner merely on the ground that certain notices to the contesting respondent came back unserved. It is submitted that appropriate steps were taken by the petitioner to effect service on the contesting respondent in the proceedings before the concerned authority by seeking to effect service at the registered address of the concerned respondent.

3. It is submitted that the petitioner cannot be fastened with adverse consequences in case the registered address of the said respondent is non-functioning and the whereabouts of the respondent no.2 is unknown.

4. During the course of hearing, learned counsel for the respondents has handed over a communication bearing No. ALC-III/36(145)/2025, addressed by the Assistance Labour Commissioner / Controlling Authority, wherein it has been stated as under:

*“To
Dy. CLC (C)
New Delhi.*

Subject: W.P.(C) 3476 of 2026 titled Adil Murtaza Vs. ALC ©, filed before Hon’ble High Court.

Sir,

In the matter titled Adil Murtaza vs. Kary Stock Broking Limited, it is respectfully submitted that the Controlling Authority has made several attempts to serve notices upon the non-applicant company at its available addresses. However, the notices sent through Speed Post to the Gurgaon office of the non-applicant were received back undelivered with the remark “left without address”. Further, the



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address of the non-applicant at Hyderabad could not initially be traced/verified for the purpose of effecting service. It is also submitted that the Sped Post tracking report in respect of the Hyderabad address could not be traced/verified due to technical issues on the website of India Post.

It is further submitted that the Controlling Authority is also dealing with other cases pertaining to the same company and its sister/associated concerned. In one such connected matter, it has come to the knowledge of the Controlling Authority that notice has been sent successfully served upon the company at its Hyderabad address.

In view of the above, and in the interest of justice, the present matter of Shri. Adil Murtaza has been fixed for further hearing on 21 May 2026, as service upon the company concerned is now seemed to have been effective. Accordingly, the present case stands listed for further proceedings and has not been dismissed for non-service as on the earlier date, i.e. 20 February, 2026.

Yours faithfully,

(Parmesh Tokas)

*Assistant Labour Commissioner/Controlling Authority
under The Payment of Gratuity Act 1972
New Delhi.”*

5. Learned counsel for the petitioner submits that the author of the above communication is the same person who authored the impugned order.
6. It is apparent from the aforesaid communication that the matter is now not being treated as being dismissed, and the case is now listed for further hearing on 21.05.2026.
7. In the circumstances, it is clarified that the complaint filed by the petitioner before the said Controlling Authority is required to be adjudicated on merits and the concerned authority is directed to do so in an expeditious manner.



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8. This Court is also constrained to express its dismay at the casual and lackadaisical manner in which the concerned authority has proceeded. After authoring an order which purportedly records that the “matter is dismissed”, the aforesaid communication has been addressed by the same officer wherein it has now been recorded that the service on the concerned respondent no.2 is now complete, and the matter is being fixed for hearing on 21.05.2026.

9. This Court concurs with the petitioner’s concern that such matters are not being dealt with the requisite sensitivity and diligence expected of the concerned authorities.

10. The concerned officer/ authority is cautioned as to the aforesaid conduct. The concerned officer/ authority is also directed to ensure that the necessary adjudicatory exercise is expedited and completed within a period of three months from today.

11. It is also made clear that in the event of any future lapse on the part of the concerned authority, this Court shall be constrained to pass strictures against the concerned officials and also impose appropriate costs.

12. The petition is disposed of in the above terms.

SACHIN DATTA, J

APRIL 30, 2026/cl