



2025:DHC:8237



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

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Date of Decision: 15.09.2025

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W.P.(C) 11283/2021

M/S TRAVEL CORPORATION INDIA LTD.Petitioner

Through: Mr. Kamal Kant Tyagi, Adv.

versus

SHRI CHANDRA PRAKASH TIWARI

.....Respondent

Through: Mr. Rahul Kanojia, Adv.

CORAM:**HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)****CM Appl. 34110/2023*****[Under Section 17-B of the Industrial Disputes Act, 1947]***

1. This is an Application filed by the Respondent/Workman seeking wages under Section 17-B of the Industrial Disputes Act, 1947 [hereinafter referred to as "the Act"].

2. Learned Counsel for the Respondent/Workman submits that by the Impugned Award dated 19.10.2019 [hereinafter referred to as "Impugned Award"], the learned Tribunal has directed reinstatement of the Respondent/Workman along with full backwages and continuity of service by declaring that the termination of the workman is illegal.

3. Learned Counsel for the Respondent/Workman submits that the affidavit in terms of the order dated 04.11.2024 [hereinafter referred to as "Affidavit"] has been filed. The same is, however, not on record. A hard



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copy of the same has been handed across to the Court today. The Registry is directed to ensure that the Affidavit is placed on record.

4. The Affidavit of the Respondent/Workman states that despite his best efforts, he has been unable to secure a job. No Reply to this Application has been filed by the Petitioner.

5. Learned Counsel for the Petitioner submits that he does not wish to file a Reply to the present Application.

6. Section 17B of the Act provides that where an order has been passed in favour of a workman by which the Court directs reinstatement of such workman, the employer shall be liable to pay such workman during the pendency of proceedings if challenged before the High Court or the Supreme Court, full wages last drawn by him.

7. It is the contention of the Respondent/Workman that Respondent/Workman is not gainfully employed in any establishment from the date of the Impugned Award and even today the Respondent/Workman remains unemployed.

7.1 A Division Bench of this Court in ***DTC vs. Inderjeet Singh***¹ has held that the benefit under Section 17-B of the Act cannot be denied to the workman merely on the ground of delay in filing the application and the wages should not be denied to the workman when he has been able to state on Affidavit that he has remained unemployed and the employer is unable to

¹ (2008) SCC OnLine Del 1787



show anything to the contrary. The relevant extract of **DTC** case is set out below:

*“11. As regards the delay by the workman in approaching the Court for relief under Section 17-B ID Act, it requires to be recalled that the workman could have filed such an application only after the DTC filed its writ petition. **The object of the provision is that the wages should not be denied to the workman when he has been able to state on affidavit that he has remained unemployed and the employer is unable to show anything to the contrary.** In the circumstances, the benefit under Section 17B ID Act cannot be denied to the workman on the ground that he filed the application three years after the writ petition was filed by the DTC. The entitlement of the workman to wages under Section 17B hinges on whether in fact he remained unemployed since his termination. That it is a question of fact. In light of the unrebutted claim of the workman to that effect in the instant case, his application under Section 17B ID Act had to be allowed.”*

[Emphasis Supplied]

8. As stated above, no Reply has been filed to this Application by the Petitioner. The Petitioner has also not been able to controvert the assertion of the Respondent/Workman that he has remained unemployed since the date of the Impugned Award.

9. In view of what is stated above, this Court deems it apposite to allow the present Application filed by the Respondent/Workman under Section 17B of the Act.

10. Accordingly, it is directed that the Petitioner shall pay the minimum wages (as fixed and revised from time-to-time) or last drawn wages, whichever is higher from 19.10.2019 onwards till 30.09.2025 within a period of eight weeks from today, subject to the Respondent/Workman filing an Affidavit within a period of four weeks, undertaking to refund any differential amount in case the Petition is allowed.

10.1 The payment of wages shall also be made for the period from



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October, 2025 onwards on or before 7th day of each calendar month by the Petitioner to the Respondent/Workman.

11. The Application stands disposed of.

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12. On an oral request of the Respondent/Workman, to which no objection has been given by the learned Counsel for the Petitioner, the costs imposed on the Respondent/Workman in terms of order dated 20.05.2025 are hereby waived.

13. Learned Counsel for the Respondent/Workman requests for some time to file his written synopsis in the matter.

13.1 Let the written synopsis be filed by the parties, not exceeding three pages each, at least three days before the next date of hearing, along with the compilation of judgments, if any, sought to be relied upon. All judgments sought to be relied upon shall be filed with an index which also sets out the relevant paragraph numbers and the proposition of law that it sets forth.

14. List on 26.02.2026.

15. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

SEPTEMBER 15, 2025/r