



2025:DHC:1091



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

*Date of Decision: 17.02.2025*

+ **W.P.(C) 10176/2024**

**RAKESH KUMAR DOGRA**

.....Petitioner

Through: Mr. Vivek Kumar Tandon, Ms. Purna Tandon and Ms. Shivani Ghosh, Advs.

versus

**AIR FORCE NAVAL HOUSING BOARD & ORS.....Respondents**

Through: Mr. Yoginder Handoo and Mr. Ashwin Kataria, Advs. for AFNHB. Ms. Avnish Ahlawat, SC with Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advs. for GNCTD.

**CORAM:**

**HON'BLE MS. JUSTICE TARA VITASTA GANJU**

**TARA VITASTA GANJU, J.: (Oral)**

**CM Appl.65457/2024/Seeking condonation of delay]**

1. This is an Application filed on behalf of the Petitioner seeking condonation of delay of 61 days in filing the Review Petition.
2. Learned Counsel for the Respondents submits that they have no objection if the prayers made in the Application, the delay is condoned.
3. The Application stands disposed of.

**REVIEW PETITION 416/2024**

4. The limited issue that has been raised by the Petitioner in the present case is that this Court by an order dated 08.08.2024 had directed the Petitioner to take appropriate remedies for redressal of his grievance before



2025:DHC:1091



the Labour Commissioner. Subsequently, when the Petitioner approached the office of the Labour Commissioner, the Labour Commissioner after going through the order dated 08.08.2024 passed an order directing that the office/Delhi Labour Commissioner, GNCTD has no jurisdiction to try and entertain the complaint.

5. Learned Standing Counsel for Respondent No.1 fairly submits that in terms of the judgment passed by a Division Bench of this Court in *Municipal Corporation of Delhi v. Mahavir*<sup>1</sup>, this issue is no longer *res integra*. She submits that Delhi being a Union Territory, the offices of both the Labour Commissioner under GNCTD as well as Central Government Industrial Tribunal would have jurisdiction to entertain and try this Petition, to that extent she submits that the order passed by the Office of the Labour Commissioner dated 19.03.2020 is incorrect. Reliance is placed on paragraph 33 of *Mahavir* case which is stated below:

*“33. Thus even if in a case where Central Government is the appropriate Government in relation to the disputes arising within the jurisdiction of NCT the later can also take action in terms of Rule 2(f) of the Rules. We may also consider the merit of the matter. The services of the concerned workman had been terminated without complying with the provisions of section 25F of the Industrial Disputes Act.”*

6. This Court has examined the judgment passed by the Division Bench of this Court. The Division Bench has found that since the city of Delhi is a Union Territory under Article 239AA of the Constitution of India, special powers have been conferred upon the Lt. Governor by the President of India to do various acts and perform various functions. Given these powers, the Division Bench found that even in a case where the Central Government is

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<sup>1</sup> 2002 SCC OnLine Del 1528



2025:DHC:1091



the appropriate Government in relation to the disputes arising within the jurisdiction of NCT the later i.e., NCT of Delhi can also take action in terms of Rule 2(f) of the Industrial Disputes (Central) Rules, 1957.

7. Thus, the Review Petition is disposed of granting the Petitioner liberty to approach either the Delhi Labour Commissioner, GNCTD or the Regional Labour Commissioner for redressal of his grievances. However, it is clarified that the Court has not examined the matter on merits. All rights and contentions of the parties are left open to be agitated before an appropriate forum.

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

**TARA VITASTA GANJU, J**

**FEBRUARY 17, 2025/r**

*Click here to check corrigendum, if any*