



2025:DHC:4812



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Date of Decision: 23.05.2025*
* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3656/2019**

SHRI SATENDER SINGH CHAUHANPetitioner
Through: Mr. Rishi Nandy, Advocate

versus

THE MANAGEMENT OF M/S INDUSTRIAL PERSONNEL &
SECURITY SERVICES PVT LTDRespondent
Through: None.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

1. This matter has been listed by the Registry specifically in the category of “Old/Targeted Cases” for the purpose of case management.
2. None appears on behalf of the Respondent.
3. The present Petition seeks to set aside the Award dated 24.08.2018 passed by the learned Presiding Officer, Labour Court-XIX, Dwarka, New Delhi [hereinafter referred to as “Impugned Award”].
4. Learned Counsel appearing on behalf of the Petitioner submits that the challenge in the present Petition is on the ground that the Impugned Award was passed only in view of the fact that the costs in the sum of Rs. 3,000/- which were imposed on the Petitioner/Workman were not paid. Learned Counsel for the Petitioner draws the attention of the Court to the Impugned Award in this behalf.
 - 4.1 Learned Counsel appearing on behalf of the Petitioner further submits that costs in the sum of Rs. 3,000/- were imposed on the



Petitioner/Workman by the learned Labour Court by its Order dated 17.07.2018. These costs were imposed as the copy of the Statement of Claim was not provided by the Petitioner/Workman to the Respondent/Management despite orders being passed by the learned Labour Court. However, Petitioner/Workman submits that the copy of the Statement of Claim was provided on 17.07.2018 itself and subsequently Reply was filed by the Respondent on 24.08.2018. Despite the Reply being filed by the Respondent/Management, the Statement of Claim was not adjudicated upon by the learned Labour Court.

4.2 Learned Counsel for the Petitioner submits that claim of the Petitioner/Workman is required to be adjudicated on the merits and that the non-prosecution of the Petitioner/Workman was not deliberate.

5. As stated above, the challenge in the present Petition is limited to Impugned Award dated 24.08.2018 which has dismissed the Statement of Claim filed by the Petitioner for non-prosecution.

6. The Statement of Claim was filed by the Petitioner/Workman on 29.09.2017. The Impugned Award sets out that the Respondent/Management appeared on 27.04.2018 and thereafter on 31.05.2018 the Petitioner/Workman was directed to supply the copy of the Statement of Claim to the Respondent/Management, which was supplied on 17.07.2018. The learned Labour Court, however, holds that due to the inaction on the part of the Petitioner/Workman and the failure on the part of the Petitioner/Workman to deposit the costs, the Statement of Claim as filed by the Petitioner/Workman, was dismissed for non prosecution. Paragraph 2 and 3 of the Impugned Award are set out below:

“2. Notice of the claim petition was issued to the management for



27.04.2018, whereupon, the AR for Management had appeared and sought time to file written statement. On 31.05.2018, AR for workman was directed to supply the copy of statement of claim to AR for the management for 17.07.2018. Vide order dated 17.07.2018, this Court had specifically observed that since the workman had failed to supply the copy of statement of claim to the management despite directions, hence, a cost of Rs. 3,000/- was imposed upon the workman for his negligent conduct and spare copy of statement of claim lying on record was supplied to the management. It was specifically observed in the said order that proof of deposition of cost shall be condition precedent for further proceeding in this matter. Today management though had filed reply to statement of claim, however, the workman who had appeared in person and was directed to produce receipt of deposition of cost as imposed on the last date of hearing, he had left the Court on the pretext of calling his AR. However, during the course of the day, neither the workman, nor his AR had turned up or produced the receipt showing deposition of the cost.

3. Vide order dated 17.07.2018, it was categorically observed that the present statement of claim deserved to be dismissed due to inaction on the part of workman and on 24.08.2018, failure on the part of workman to deposit the cost of Rs. 3,000/- shows the conduct of workman in not complying with the direction of the Court despite being directed to do so. It is therefore presumed that workman is not interested in pursuing his case any further and hence the statement of claim as filed by him is dismissed for non-prosecution.”

[Emphasis Supplied]

7. As can be seen from the above, the Impugned Award premises itself only on the fact that the costs in the sum of Rs. 3,000/- were not paid. Once a Reply was filed to the Statement of Claim, it was incumbent upon the Court to adjudicate the same. No doubt, the Petitioner/Workman took two dates to supply the copy of the Statement of Claim to the AR of the Respondent/management, however, for delay in supplying of the copy of the statement of claim, which was eventually supplied on 17.07.2018, the imposition of costs on the Petitioner/Workman was unwarranted. The Impugned Award also in paragraph 3 records that a spare copy of the



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Statement of Claim, lying on record, was supplied to the Respondent/Management thus, the order dated 17.07.2018, which states that the Petition is liable to be dismissed on account of inaction of the Petitioner/Workman was also no correct.

7.1 In addition, from the record, it is clear that the copy of the Statement of Claim was supplied on 17.07.2018 and a Reply was filed on 24.08.2018. The Impugned Award further states that on 24.08.2018, the Petitioner/Workman had left the Court on the pretext of calling the AR, however, neither the Workman nor his AR turned up thereafter. Thus, the Impugned Award dismissed the Petition for non-prosecution.

8. Resultantly, a claim which was filed by a workman on 29.09.2017, notice in which was issued on 01.02.2018, was dismissed by the learned Labour Court within four months of its listing for non-prosecution and with a finding that the workman is not interested in pursuing his case any further. However, the orders of the learned Labour Court dated 27.04.2018, 31.05.2018 and 17.07.2018 do no reflect that the Petitioner/Workman was not interested in prosecuting his case. The Petitioner/Workman has also appeared on each date. The only lapse on the part of the Petitioner/Workman seems to be the nonpayment of costs in the sum of Rs. 3,000/- imposed on him, which, as stated above, is unwarranted in view of the fact that an extra copy of the Statement of Claim was available on the record of the learned Labour Court.

9. The Industrial Disputes Act, 1947 and other similar legislative instruments are social welfare legislations for the benefit of the workmen and to ensure that the workmen get their dues. The workmen are usually from the lowest strata of society and are hardly able to afford to engage



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lawyers. The imposition of costs by the learned Labour Court on the workman for two-month delay in supplying the copy of the statement of claim would not be in consonance with the settled legal principles.

10. The Impugned Award is accordingly set aside. The costs in the sum of Rs. 3,000/- imposed on the Petitioner/Workman are waived off. However, given the lapse of time, the learned Labour Court is requested to adjudicate the Claim of the Petitioner as soon as possible.

11. Learned Counsel for the Petitioner/Workman submits that the Petitioner/Workman shall not take any unnecessary adjournments before the learned Trial Court. The Petitioner/Workman is bound down by the statement made by his Counsel. It is also directed that the Petitioner/Workman shall remain present before the Court on each date of hearing

12. List before the learned Labour Court on 07.07.2025.

13. A copy of the Order passed today shall be communicated to the Respondent by the Registry.

14. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MAY 23, 2025/g.joshi/r

[Click here to check corrigendum, if any](#)