



2025:DHC:4766



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

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Date of Decision: 27.05.2025+ **W.P.(C) 10359/2020****SOUTH DELHI MUNICIPAL CORPORATION**PetitionerThrough: Mr. Arun Birbal, Mr. Sanjay Singh,
Mr. Ajay Singh, Advs.

versus

YASHBIR ISNGH

.....Respondent

Through: Mr. Jawahar Raja, Ms. Surbhi Bagra,
Ms. Meghna De, Ms. L. Gangmei,
Mr. Ritwik Raj, Advs.**CORAM:****HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)****CM APPL. 39645/2023***[Application 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 submits that by the Impugned Award dated 30.09.2019 [hereinafter referred to as "impugned award"], the learned Tribunal has directed reinstatement of the Respondent/workman along with 50% of backwages and continuity of service by declaring that the termination of the workman is illegal.
3. Notice in this Application was issued on 04.08.2023 by Coordinate Bench of this Court. By order dated 22.08.2023 directions for filing a Reply were given. However, despite a lapse of more than 2 years, no Reply has been filed by the Petitioner.



4. Learned Counsel for Respondent further submits that the Respondent/Workman is not gainfully employed in any establishment from the date of the Impugned Award and even today the Respondent remains unemployed.

4.1 Learned Counsel for the Respondent, seeks to rely on *DTC vs. Inderjeet Singh*¹ wherein Division Bench of this Court 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 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]

5. As stated above, no Reply has been filed to this Application despite a lapse of more than 2 ½ years. The Petitioner has also not been able to controvert the assertion of the Respondent that he has remained unemployed since the date of the Impugned Award.

¹ (2008) SCC OnLine Del 1787



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6. 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.

7. Accordingly, it is directed that the Petitioner/Corporation shall pay the minimum wages (as fixed and revised from time-to-time) or last drawn wages, whichever is higher from 30.09.2019 onwards till 31.05.2025 within a period of six weeks from today, subject to the Respondent filing an Affidavit within a period of six weeks, undertaking to refund any differential amount in case the Petition is allowed.

7.1 The payment of wages shall also be made for the period from May, 2025 onwards on or before 7th day of each calendar month by the Petitioner/Corporation to the Respondent/workman.

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

8.1 Let the written synopsis/updated written synopsis be filed by the parties, not exceeding six 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.

9. List the matter for hearing on 27.10.2025.

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

TARA VITASTA GANJU, J

MAY 27, 2025/jn

Click here to check corrigendum, if any