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

% **Date of Decision: 28th July, 2026**

+ W.P.(C) 10412/2026 & CM APPL. 48403/2026, CM APPL. 48404/2026, CM APPL. 48405/2026

DELHI TRANSPORT CORPORATION

.....Petitioner

Through: Mrs. Avnish Ahlawat, SC, DTC with
Mrs. Tania Ahlawat, Mr. Nitesh
Kumar Singh, Ms. Aliza Alam and
Mr. Mohnish Sehrawat, Advocates
Mob: 9313964463

versus

MUKESH KUMAR

.....Respondent

Through: Mr. Kapil Kumar Sharma and Mr.
Sandesh Kumar, Advocates
Mob: 8199943840

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (Oral):

1. The present petition has been filed challenging the order dated 17th January, 2026, passed by the District Judge, Presiding Officer, Labour Court ("POLC")-08/RACC in *L.I.R. 295/2023*, wherein, the Labour Court *vide* the impugned order dismissed the application filed by the petitioner under Rule 15 of the Industrial Disputes (Central) Rules, 1957 ("ID Rules") read with Order VIII Rule 1A(3) and Section 151 of the Code of Civil Procedure, 1908 ("CPC"), for taking on record additional documents.
2. Learned counsel appearing for the petitioner-Delhi Transport Corporation ("DTC") submits that the petitioner never appeared during the



course of evidence, and the departmental enquiry was proceeded *ex-parte*.

3. She submits that the POLC *vide* the impugned order dated 17th January, 2026, erroneously rejected the application filed by the management for taking additional documents on record, on the ground that the matter was at the stage of final arguments on the preliminary issue regarding the validity of the enquiry proceedings.

4. It is submitted that an issue has been framed as follows:

“xxx xxx xxx

“whether the departmental enquiry conducted by the management leading to termination of workman vide letter No. RHN-1/A.1(T)/2019/6411 dated 23.12.2019 was legal and valid? OPW.”

xxx xxx xxx”

5. It is submitted that since the preliminary issue with regard to the legality and validity of the departmental enquiry has been framed by the learned POLC, the correctness of the departmental enquiry cannot be adjudicated fairly without going into the contents of the Enquiry Report, which was the outcome of the said departmental enquiry. Thus, it is submitted that the Enquiry Report is the principal document that needs scrutiny by the Labour Court.

6. It is further submitted that *onus* of proof was on the workman to prove the departmental enquiry was not held properly against him. However, the Enquiry Report was never filed by the respondent before the Labour Court.

7. It is submitted that the matter is still at the preliminary stages, and the arguments on the preliminary issue have not commenced, as yet.

8. Thus, it is submitted that the petitioner ought to be allowed to place on record the Enquiry Report, along with the record pertaining to the



enquiry conducted by the petitioner, for proper adjudication of various issues before the Labour Court.

9. Issue notice. Notice is accepted by learned counsel appearing for the respondent, who submits that the Enquiry Report and the proceedings with regard thereto, were always in possession of the petitioner-DTC. He, thus, submits that the DTC ought to have produced the same before the Labour Court in the first instance.

10. Having heard learned counsels appearing for the parties, this Court notes that a preliminary issue has been framed by the Labour Court with regard to the legality and validity of the departmental enquiry, conducted by the petitioner herein.

11. It is pertinent to note that in case the preliminary issue is required to be answered, the record of the departmental enquiry, as well as the Enquiry Report would be material documents.

12. Accordingly, considering the submissions made before this Court, this Court allows DTC to file on record before the Labour Court, the Enquiry Report, as well as the record pertaining to the departmental enquiry conducted by them against the respondent herein.

13. DTC is granted liberty to produce the said documents through a witness, before the Labour Court, within a period of two weeks, from today.

14. Upon a witness of the DTC producing the said documents, learned counsel appearing for the respondent shall have the liberty to cross-examine the said witness, on the aforesaid documents.

15. In the facts and circumstances of the present case, the present petition is allowed, subject to payment of cost of Rs. 30,000/- by the petitioner to the respondent, within a period of two weeks, from today.



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16. Accordingly, the parties are directed to appear before the Labour Court on 10th August, 2026.

17. A copy of this order shall be sent to the Court of District Judge, POLC-08/RACC, dealing with the case of *L.I.R. 295/2023*, titled as *Mukesh Kumar Versus M/s DTC*.

18. The present petition, along with the pending applications, is disposed of, in the aforesaid terms.

MINI PUSHKARNA, J

JULY 28, 2026

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