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

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Date of Decision: 07.09.2026# **CNR No. DLHC010418792026**+ **LPA 689/2026 & CM APPL. 59972/2026****MUMBAI RAILWAY VIKAS CORPORATION LIMITED &
ANR.****.....Appellants**

Through: Mr. V.S.R. Krishna, Adv.

versus

SH NAVEEN DUTT & ANR.**.....Respondents**

Through: Mr. Nipun Jain, Adv for R-2.

CORAM:**HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TEJAS KARIA****TEJAS KARIA, J. (Oral)****CM APPL. 59971/2026 (Exemption)**

1. Exemption is allowed, subject to all just exceptions.
2. The Application stands disposed of.

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3. The present *intra court* Appeal has been referred against the order dated 09.07.2026 (“**Impugned Order**”) passed in CM APPL. 43087/2022 (“**Application**”) filed by Respondent No. 1 in the Appellants’ W.P.(C) No. 8425/2018 (“**Writ Petition**”) under Section 17-B of the Industrial Disputes Act, 1947 (“**Act**”) seeking payment of the wages last drawn filed under was allowed.
4. Respondent No. 1 was engaged by Appellant No. 1 on a fixed-term contractual basis for the period from 01.07.2011 to 31.12.2011, pursuant to



the contract dated 01.07.2011 read with the corrigendum dated 13.07.2011. The contract expressly stipulated the duration of the engagement. Upon expiry of the fixed term on 31.12.2011, the contract was not renewed.

5. Respondent No. 1 approached learned Industrial Tribunal, contending that the non-renewal of his fixed-term contract amounted to retrenchment. By an award dated 12.03.2018 (“**Award**”), learned Industrial Tribunal directed the reinstatement of Respondent No. 1 with full back wages.

6. Aggrieved by the Award, the Appellants have instituted the Writ Petition on 25.07.2018. By order dated 11.10.2018, learned Single Judge directed the Appellant to pay ₹10,000/- to Respondent No. 1 towards litigation expenses, which was made by the Appellant.

7. On 23.09.2022, Respondent No. 1 filed the Application. By the Impugned Order, learned Single Judge allowed the Application and directed the Appellant to pay Respondent No. 1 the full last drawn wages with effect from the date of the Award, within four weeks. Aggrieved by the Impugned Order, the Appellants have preferred the present Appeal.

8. Learned Counsel for the Appellants submitted that learned Single Judge erred in directing payment of wages under Section 17-B of the Act from the date of the Award, without duly considering the inordinate and unexplained delay of nearly four years in filing the Application from the filing of the Writ Petition.

9. It was further submitted by learned Counsel for the Appellants that Respondent No. 1 had entered appearance in the Writ Petition on 11.10.2018, filed his reply on 04.07.2019, and received ₹10,000/- towards litigation expenses on 08.01.2019 and despite that, Respondent No. 1 invoked Section 17-B of the Act only on 23.09.2022, when the matter had



reached an advanced stage of hearing. According to the Appellants, such conduct indicated that Respondent No. 1 was gainfully employed and that the Application had been filed as an afterthought to secure a lump-sum payment, rather than on account of a genuine need for subsistence.

10. Learned Counsel for the Appellants further submitted that learned Single Judge failed to appreciate that the object of Section 17-B of the Act is to secure subsistence for a workman during the pendency of proceedings, and not to confer a windfall upon a party who files a belated application. It was also submitted on behalf of the Appellants that the explanation offered by Respondent No. 1 for the delay, namely the medical condition of his father and daughter, was unconvincing, since a workman genuinely in need of financial assistance would have approached the Court at an earlier stage.

11. It was submitted that the reliance placed by learned Single Judge on the decision in ***Regional Authority, Dena Bank & Anr. v. Ghanshyam***, AIR 2001 SC 2270, was misplaced, as the said decision did not consider the issue of delay in filing an application under Section 17-B of the Act.

12. It was further submitted that the Impugned Order was contrary to the binding decision of the Division Bench in ***Municipal Corporation of Delhi v. Santosh Kumari***, Neutral Citation: 2012:DHC:5201-DB, wherein it was held that, in cases of unreasonable and unexplained delay in filing an application under Section 17-B of the Act, payment of wages may be restricted to the date of the application rather than the date of the award. It was contended that, by failing to consider the decision in ***Santosh Kumari*** (*supra*), learned Single Judge erred in mechanically granting wages from the date of the Award.



13. We have heard learned Counsel for the Appellants and perused the material placed on record.

14. The only issue that arises for our consideration in the present Appeal is whether wages payable under Section 17-B of the Act from the date of the Award may be denied solely on account of delay in filing the Application.

15. In the present case, the Appellants have contended that considering the inordinate delay of four years filing the Application, the wages under Section 17-B of the Act ought to have been granted from the date of Application and not from the date of the Award. It was further submitted on behalf of the Appellants that that the Application was filed as an afterthought to secure a windfall.

16. Section 17-B of the Act is a beneficial provision intended to sustain a workman during the pendency of proceedings. A plain reading of Section 17-B of the Act indicates that, during the pendency of proceedings before the High Court or the Supreme Court, the employer is required to pay the workman the full wages last drawn, inclusive of any admissible maintenance allowance, provided the Court is satisfied that that workman was not employed in any establishment and did not receive adequate remuneration during the such period or any part thereof.

17. The express reference in Section 17-B of the Act to the term “*during the pendency of such proceedings*”, coupled with the requirement to consider whether the workman was gainfully employed “*during any such period or any part thereof*”, makes it clear that Respondent No. 1 is entitled to the wages last drawn by him for the entire duration of the pendency of the proceedings of the Writ Petition.



18. The reliance placed by the Appellants on the decision in ***Santosh Kumari*** (*supra*) in support of their contention that wages ought to have been awarded from the date of the Application and not from the date of the Award on account of inordinate delay in filing the Application, does not advance their case in the facts and circumstances of the present case.

19. The Coordinate Bench of this Court in ***Santosh Kumari*** (*supra*) held that a workman would ordinarily be entitled to wages under Section 17-B of the Act from the date of the award. However, while determining the period for which such wages are payable, the Court may take into consideration any delay in filing the application under Section 17-B of the Act. It is further observed in ***Santosh Kumari*** (*supra*) that such an application should ordinarily be filed along with the counter affidavit, the reply to an application for interim relief, or within a reasonable period after the workman enters appearance in the proceedings, however, where the application is filed after a prolonged and unexplained delay, the Court has the discretion to direct payment of wages from the date of the application.

20. Accordingly, it is the discretion of the Court while considering an application under Section 17-B of the Act to determine the date from which the wages are to be awarded, i.e., either the date of the award or the date of the application, having regard to the facts and circumstances of each case.

21. In the facts of the present case, learned Single Judge found the explanation furnished by Respondent No. 1 for the delay in filing the Application acceptable and, while exercising the discretion as stipulated in ***Santosh Kumari*** (*supra*), directed payment of wages from the date of the Award. The Impugned Order records the satisfaction of learned Single Judge with the justification offered by Respondent No. 1 for not approaching the



Court earlier for relief under Section 17-B of the Act owing to the medical condition of his ailing father and the attendant difficult circumstances. It further records that the Appellants had placed no material on record either to controvert the said explanation or to dispute the assertions made by Respondent No. 1.

22. In view of the foregoing discussion, we are of the considered opinion that learned Single Judge correctly exercised the discretion to allow the prayer to grant wages from the date of the Award after duly considering the explanation furnished by Respondent No. 1 for delay in the filing the Application. Mere delay in filing the Application, particularly where the explanation offered for such delay has been found acceptable by learned Single Judge, cannot disentitle Respondent No. 1 to wages from the date of the Award. In the absence of any cogent material controverting the explanation offered by Respondent No. 1, we do not find any ground to disturb the discretion exercised by learned Single Judge and to restrict the payment of wages from the date of the Application.

23. We, therefore, find no infirmity in the Impugned Order dated 09.07.2026 warranting interference in the present Appeal. The Appeal is, accordingly, dismissed. The pending Application also stands disposed of. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

SEPTEMBER 07, 2026/N