



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

%

Date of Decision: 14.09.2026

CNR No. DLHC010471032023

+ **W.P.(C) 15160/2023, CM APPLs 60624/2023, 27645/2025**

DELHI DEVELOPMENT AUTHORITY

.....Petitioner

Through: Ms. Manika Tripathi, SC for DDA.

versus

RAM KISHORE RANA

.....Respondent

Through: Mr. Rajiv Agarwal, Ms. Meghna De,
Mr. Siddharth Sapra, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT (ORAL)

The matter is taken up today as 11.09.2026 was declared holiday *vide Notification No. 86/G-4/Genl.-I/DHC dated 08.09.2026.*

1. By way of the present writ petition filed under Article 226/227 of the Constitution of India read with section 151 of the Code of Civil Procedure, 1908, the petitioner seeks to assail the award dated 06.09.2022 passed by the learned Labour Court-III, Rouse Avenue Courts, New Delhi in LIR No.157/2016 (Old ID Nos.296/2012 and 36/1994).
2. Vide the aforesaid award, the claim application filed by the claimant-respondent was allowed and he was directed to be reinstated with full back-wages, continuity of service with all other consequential benefits. Further, a litigation cost of Rs.20,000/- was also imposed upon the petitioner.
3. Briefly, the facts of the present case in nutshell are that the respondent had raised an industrial dispute on which following reference was made to the Labour Court:-

“Whether the services of Shri Ram Kishore Rana have been



terminated illegally and/or unjustifiably by the management; and if so, to what relief is he entitled and what directions are necessary in this respect?”

4. In the claim application filed by the claimant-respondent before the learned Labour Court, the respondent claimed that he was confirmed as *Beldar* with effect from 03.01.1985 and that his last drawn salary was Rs.1,674/- per month. It was claimed that the respondent worked with the DDA till 06.07.1992, but thereafter was not assigned any duty, which amounted to his termination. It was further claimed that neither any enquiry was initiated nor any charge-sheet was served upon the respondent and, thus, the petitioner-management had violated the provisions of Section 25-F of the ID Act. It was further claimed that a demand notice dated 16.08.1993 was issued seeking the lawful dues of the respondent, which remained unanswered.

5. On summons being issued, the petitioner-management contested the claim application by contending that though the respondent had managed to get himself engaged with the petitioner, the same was done on the basis of a fake appointment letter. It was contended that the respondent had never been duly appointed/engaged and, therefore, there was no question of his termination and, consequently, no violation of Section 25-F of the ID Act.

6. Before this Court, learned counsel appearing for the petitioner-management contends that the Labour Court erred on two counts. Firstly, it failed to appreciate that the engagement of the respondent was secured by fraudulent means and, without prejudice to the above, the direction for reinstatement overlooked the fact that, by his own showing, the respondent would have already attained the age of superannuation. She further states



that there is no relationship of employer and employee between the parties.

7. In furtherance of the first contention, it is submitted that, upon coming to know of the alleged fraudulent means, the petitioner filed a complaint against the respondent with the concerned SHO, whereafter the matter was assigned to the CBI and a case bearing FIR No. RC/11(S)/SC III/DLI was registered. It was also pointed out that the management witness never admitted either the appointment or termination of the respondent.

8. Mr. *Rajiv Agarwal*, learned counsel appearing for the respondent, on the other hand, defended the impugned Award and contended that the respondent, along with his claim application, had filed 27 documents, including Ex.WW1/2, being the list of employees who were regularised, which included the name of the respondent at Serial No.75. The said list was admitted by the petitioner-management's witness, namely, Mr. *Ashok Kumar Singhal*, Executive Engineer, Eastern Division No. IV, *Delhi Development Authority*.

9. Insofar as the second contention is concerned, it is submitted that the Award would stand confined to the date of superannuation and, in this regard, reference is made to the observation of the Predecessor Bench, as noted in the order dated 23.11.2023.

10. Having heard the learned counsel for the parties and perused the record, this Court takes note of the fact that, during the pendency of the proceedings before the Labour Court, an affidavit regarding the status of the aforesaid criminal case was sought from the petitioner. The same was placed on record by way of an affidavit of Mr. *O.P. Miglani*, Executive Engineer, HCD-2 (earlier ED-4), CVD, *Shahdara, Delhi*. The affidavit records, inter alia, that the deponent had searched the old and connected files and



consulted retired employees and, thereafter, obtained the status of FIR No. RC/11(S)/SC III/DLI from the CBI. The said affidavit reads as under:-

“2. That at the time of final arguments directions were given to DDA to file the affidavit whether the concerned workman was charge sheeted or not and whether the letter dated 23.04.2012 issued by Superintendent of Police, CBI to XEN, DDA or not.

3. That the deponent has searched the old files/ connected files of the present in the department as well as consult with the retired employees and came to know the above mentioned letter issued by Superintendent of Police, CBI was received by DDA.

4. That after the previous hearing dated 23.10.2021 the deponent sent a bearing no. F1 (Misc.) court case/EE/HCD-2/DDA/509 dated 01.11.2021 to Superintendent of Police, CBI to furnish the present status of the case no. RC11(S)/92/SCB-II-HQ and whether Ram Kishore Rana has been charge sheeted or not. That Superintendent of Police, CBI vide their reply bearing no. 634011/S/1992/SC.III/DLI dated 10.11.2021 informed that Sh. Ram Kishore Rana has not been charge sheeted by CBI in case no. RC/11/(S)/92/CBI/New Delhi. (Copy of letter and reply are enclosed)”

11. The affidavit is accompanied by a reply received from the CBI dated 10.11.2021 under the signatures of the Superintendent of Police, CBI/SC.III, New Delhi. The said reply reads as under:-

“Sub:-Present status in respect of case No. RC.11(S)/92/SCB-II-HQ-reg.

Sir,

Kindly refer to your ""letter No F1 (Misc.) court case/EE/HCD-



2/DDA/509 Dated: 01/11/2021 on the captioned subject.

In this regard, it is informed that the Hon'ble Court of Smt. Neena Bansal Krishna, District & Session Judge, Saket Court, New Delhi has acquitted the accused persons vide judgment dated 26.06.2020 and till now CBI has not filed any appeal before the High Court, against the above said judgment.

It is also informed that Sh. Ram Kishore Rana has never been charge-sheeted by CBI in Case RC 11 (S)/92/CBI/New Delhi.

This is for kind information please.”

12. The workman, along with the statement of claim, had produced and exhibited the identity card issued by the petitioner, the list referred to hereinabove, a copy of the bill for claiming overtime allowance for the month of May 1992 (Ex.WW1/3), seven provident fund receipts (Ex.WW1/4), an office order dated 22.04.1975 issued with respect to the respondent (Ex.WW1/15), a copy of the office order dated 01.11.1985 issued by the petitioner (Ex.WW1/16), and periodical increment certificates (Ex.WW1/17 to WW1/21).

13. The respondent had also placed on record the order dated 18.02.2010 passed in LCA No.82/2008, which was in the context of an application filed under Section 33-C(2) of the ID Act, wherein he had claimed unpaid wages for the period from 01.11.1991 to 06.07.1992. He had also claimed overtime dues for the months of May and June 1992.

14. This Court also takes note of the fact that, along with the claim application, the respondent had placed on record a copy of the Award dated 13.02.1996 (Ex.WW1/22), whereby the subject claim application was allowed *ex parte*. The said *ex parte* proceedings were challenged before this Court by the petitioner and were set aside, and the matter was remanded back to the Labour Court vide order dated 27.04.2012 passed in W.P.(C)



3409/2012. In the said order, the petitioner was also permitted to place on record the status of the criminal proceedings. In the interregnum, the respondent had preferred an application under Section 33-C(2) of the ID Act being LCA No.82/2008, wherein vide order dated 18.02.2010, the Labour Court had allowed the claim and directed payment of Rs.13,550/- towards earned wages for the period from 01.11.1991 to 06.07.1992 and overtime dues for May and June 1992, along with interest. The said order passed in LCA No.82/2008 was never assailed and attained finality.

15. The Labour Court has also examined the management witnesses. Mr. *Ashok Kumar Singhal* (MW1) was cross-examined and, in his cross-examination, he admitted that the respondent had joined the management on 03.01.1985 as *Beldar/Security Guard* in the regular pay scale and, as per record, he lastly worked with the management till 1991. He admitted that an attendance register was maintained, though the same was not produced. He further stated that the management was not challenging the authenticity of the documents Ex.WW1/1 to Ex.WW1/27. He further admitted the photocopy shown to him of the service book of the respondent, which was exhibited as Ex.MW1/W1. He also admitted that, similar to the aforesaid service book, the service books of other employees were also maintained in the same manner. On being asked whether he could specify the documents, records or material on the basis of which he had deposed that the claimant had submitted forged and fabricated documents for securing employment, he answered as under:-

“...Ans. I have deposed the same on the basis of FIR lodged on the complaint of the department in this respect w.r.t. the present claimant and other workers. I have gone through the contents of the said complaint and FIR. However, I do not remember as to



whether along with the said complaint and FIR, any other documents were annexed therewith or not...

On further questioning by the AR for the workman, it is submitted by the witness that he has also gone through the seizure memo of the CBI in this respect.

I have not gone through any other document except the three documents deposited by me above for the purpose of preparing by affidavit w.r.t the present case. The claimant was not given any memo, charge-sheet as well as no departmental enquiry was initiated w.r.t. his alleged act of filing forged and fabricated documents with the department. It is correct to suggest that till date no judicial finding w.r.t. the said alleged act of fraud allegedly committed by the claimant has been given by any court of law. The case pertaining to the said FIR is still pending before the competent court of Patiala House. I do not remember as to who is the concerned learned Sessions Judge looking after the said CBI case nor I am aware about the stage or the next date of hearing of the case. I have never attended any of the hearing in the said case. It is wrong to suggest that no such case is pending in any court of law.

I am not aware about the proceedings taken by the concerned police or CBI including investigation and the arrest of the claimant. I cannot say as to whether the claimant has ever submitted or not submitted any forged and fabricated document with the management.

No notice or notice pay was ever served/paid to the claimant. (On court query it is submitted by the witness that there cannot be any question of issuing/paying the same as an FIR was already lodged w.r.t. his alleged act of committing fraud)... ”

16. The petitioner had also examined Ms. Santosh Sehra, Assistant Director (Administration), Eastern Zone, DDA, Vikas Minar, New Delhi, who deposed that the issuance of Establishment Order dated 10.10.1985 (Ex.WW1/16) was denied. However, in her cross-examination, she admitted that she had neither made any inquiry from the concerned official nor otherwise verified the same, and that her affidavit of evidence was based on



the record available with the management.

17. Considering that the entire case of the petitioner is based on the alleged fraudulent and forged appointment letter, it is significant that no such appointment letter has been placed on record. On the contrary, there is material on record, in the form of the aforesaid exhibits, showing that the respondent continued to remain engaged with the petitioner from 03.01.1985, as claimed. In the criminal proceedings initiated on the basis of the aforesaid allegations, no charge-sheet was filed against the respondent. Further, the other accused persons against whom the trial proceeded, were acquitted in the said proceedings. Thus, the very foundation of the contention of the petitioner has fallen to the ground.

18. The next contention relating to superannuation of the respondent is also without merit. It is a settled position that the relief granted under the Award would remain limited to the date on which the respondent would have attained the age of superannuation.

19. Accordingly, with the aforesaid observations, the present petition is dismissed.

20. At this stage, it is informed that the Award has already been partly implemented. The remaining amount and/or consequential benefits, if any, be also released to the respondent within a period of four weeks from today.

21. The petition is disposed of in above terms along with pending applications.

MANOJ KUMAR OHRI
(JUDGE)

SEPTEMBER 14, 2026/rd