

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3346 OF 2007

NEW DELHI MUNICIPAL COUNCIL Appellant(s)

:VERSUS:

NANAK CHAND Respondent(s)

WITH

CIVIL APPEAL NO. 6390 OF 2010

NEW DELHI MUNICIPAL COUNCIL Appellant(s)

:VERSUS:

MAHIPAL SHARMA Respondent(s)

AND

CIVIL APPEAL No. 3021 OF 2013
(Arising out of SLP(C) No.2110/2011)

NEW DELHI MUNICIPAL COUNCIL Appellant(s)

:VERSUS:

RAMESH CHANDER Respondent(s)

JUDGMENT

O R D E R

1. Leave granted in SLP(C) No.2110 of 2011.

2. Heard Mr. Rakesh K. Khanna, learned Additional Solicitor General appearing for the appellant and the learned counsel appearing for the respondents in each of the three appeals. All these

appeals seek to challenge the orders passed by the Delhi High Court in the writ petitions which were filed by the appellant New Delhi Municipal Council before the Delhi High Court. Those three writ petitions sought to challenge the Award passed by the Labour Court in favour of the respondents in each of the three matters.

3. The respondents in each of the three matters, were working under the appellant Municipal Council for different purposes. It is the case of the appellant Municipal Council that respondent Nanak Chand and Ramesh Chander stopped coming for work whereas in the case of respondent Mahipal Sharma, he was working as a driver through a contractor and the contract was terminated. The case of respondent Mahipal Sharma is that he had put in about 7 years' service before he was discontinued. Be that as it may, the Labour Court has held the discontinuation/termination of the three employees to be illegal and therefore, directed their reinstatement with full back-wages. Those awards were challenged by the appellant Municipal Council by filing writ petitions before the Delhi High Court

and the High Court has passed interim orders in all the three writ petitions directing the appellant Municipal Council either to take them back on duty or to pay them their last drawn wages. It is this part of the order of the High Court which has been challenged before this Court by filing these appeals by special leave. This Court while granting leave on 27.7.2007 in the case of Nanak Chand, granted stay of the impugned order which has been operating since then.

4. Having noted these facts, we are of the view that the writ petitions which are otherwise pending in the Delhi High Court be decided one way or the other, at the earliest. We, therefore, dispose of these appeals and request the Delhi High Court to hear and decide the writ petitions which are pending before it, within three months from the date of receipt of a copy of this order. Either parties in the writ petitions will not seek any adjournment before the High Court.

5. So far as the interim order granted by this Court in 2007 is concerned, we do not alter the same

only for the reason that it has been so running for all these years.

6. We make it clear that in the event these writ petitions are not decided within the above specified period of three months, it will be open to the respondents to apply afresh for grant of wages under Section 17-B of the Industrial Disputes Act, 1947.

7. The appellant is directed to pay the costs of Rs.10,000/- to each of the respondents as the litigating expenses in these appeals. The amount shall be disbursed within two weeks from today.

8. We grant liberty to both the parties to mention these matters before the High Court in view of the order passed by this Court.

.....J
(H.L. GOKHALE)

.....J
(RANJAN GOGOI)

New Delhi;
April 03, 2013.