

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

+ LPA 115/2009 & CM Nos. 3964/2009 and 3965/2009

P.NARAYAN & ASSOCIATES Appellant
Through Mr. S.D. Singh, Mr. Anurag Kishore, Mr. Rahul
Kr. Singh, Advocates.

versus

SRI RAM KISHAN Respondent
Through Mr. S.P. Singh Choudhary, Mr. Y.R. Sharma and
Mr. Navdeep Kumar, Advocates.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE NEERAJ KISHAN KAUL

ORDER

% **18.05.2009**

The present appeal is directed against the order of the learned single Judge dated 30.1.2009 passed in the application under Section 17B of the Industrial Disputes Act moved by the respondent workman (original respondent in the writ petition). The appellant (original petitioner in the writ petition) was directed to pay the last drawn wages to the respondent workman or the minimum wages which ever were higher from the date of the award till the disposal of the writ petition. The arrears of wages were directed to be paid within a period of six weeks from the date of the order of the learned single Judge. It has been submitted on behalf of the appellant that the respondent had joined back the appellant firm on 27.2.2009. However, the respondent had refused to fill up any joining form or sign any documents and had also misbehaved with the management. It is also contended on behalf of the appellant that after joining work the respondent had remained absent and was not reporting back for duty since 3.3.2009.

2. Today during the course of hearing the counsel for the respondent submitted that though the workman reported for work he was not given any work. However, without

prejudice he made a statement that he is willing to resume duty with the appellant firm immediately.

3. The appellant also expressed their willingness to permit the respondent to join back.

4. In view of the same nothing further survives in the present appeal. The appellants are directed to pay arrears 17B wages as directed by the learned single Judge from the date of the award till 31st January, 2009 within a period of four weeks. The respondent is directed to join back and resume his duties with the appellant firm within three days from today. On the respondent joining his duty and resuming work as undertaken by his counsel in court today the appellant would not be liable to make any further payment under Section 17B of the Industrial Disputes Act. Further after the respondent workman resumes work, he shall be paid his full wages as per his entitlement and in accordance with law, till the disposal of W.P.(C) 2857/2007. The appeal is disposed of in the above mentioned terms. All pending applications also stand disposed of accordingly.

CHIEF JUSTICE

NEERAJ KISHAN KAUL, J

MAY 18, 2009

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