



2026:DHC:7828



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 14th September, 2026*

CNR No. DLHC010746642006

+ W.P.(C) 8480/2006 & CM APPL. 10115/2012

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.....Petitioner

Through: Mr. Jitesh Vikram Srivastava,
SPC, Adv.

versus

V.S. TYAGI

.....Respondent

Through: Mr. Om Prakash, Sr. Adv. with
Ms. Samridhi Prakash, Mr.
Rajeev R. Pathak, Mr. Tushar
Bhalla & Mr. Taney Yogendra,
Advs.**CORAM:****HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. The petitioner is aggrieved by order dated 16.12.2004, passed by the learned Central Government Industrial Tribunal-cum-Labour Court-II (**'the Labour Court'**). The learned Labour Court by impugned order, allowed the application filed by the Respondent under Section 33-C (2) of the Industrial Disputes Act, 1947 (**'the I.D. Act'**) and directed the petitioner to pay a sum of ₹67,296.80.

2. Succinctly stated, Application under Section 33-C (2) was filed by the respondent, stating that he was employed as a Pharmacist at Delhi Division Hospital Northern Railway in the pay scale of ₹330-560/- and was getting total monthly wages, including all allowances



amounting to ₹1,954/-. He was granted leave at half average pay for the period from 28.07.1978 to 31.01.1979. Subsequently, a supplementary bill was prepared in May, 1979 for the above-mentioned leave period of six months and the same was sent to Divisional Office, New Delhi for arranging the payment of ₹1972-80 to the respondent, however, the amount remained unpaid without any justification. It was further claimed that he was also entitled to recover *inter alia*, arrears of certain unpaid annual increments; compound interest @12% on monthly basis from 1984; complete salary with allowances for the suspension period from 03.03.1983 to 24.11.1985. Hence, it was urged that the respondent is entitled to receive total Rs.67,296.80 along with @12% compound interest on monthly basis.

3. The management had refuted the claim by filing the written statement and had essentially contended that no recoverable arrears remain unpaid; the application has been filed only to harass the petitioner; no such dues can be recovered under Section 33 C (2); already proceedings had been initiated before the learned Central Administrative Tribunal; and the claims if any are time-barred.

4. The learned Labour Court considered all the arguments advanced by the parties, in detail and observed as under: -

“It was submitted from the side of the workman that he was promoted by the Divisional Personnel Office by order dt. 21.08.1996 on 01.01.1984 so he could not get the amount claimed. The CAT quashed the order of the Disciplinary Authority and the Appellate Authority dt. 30th April 1983 so he is entitled to get revised pay. The management did not hold any enquiry as such the order dt. 20.03.1987 was again confirmed by the CAT in OA No.2126/90 on 29th May 1997. So the applicant could not claim his arrears in the earlier LCA of 83 and 85. The management dropped the enquiry so the order dated 20.03.1987 of CAT prevails and the order of the Disciplinary Authority and the Appellate Authority dt. 30.04.1983



stands quashed.

It was submitted from the side of the workman applicant that he was granted leave at average pay sanctioned from 28.07.1978 to 31.07.1979. He has not received the half average pay for the leave sanctioned. The amount claimed under this head is Rs.1972.80. He has filed the letter of sanction dt. 16.05.1979. It was submitted that from the side of the workman that he has not received arrears of increment since 29.07.1980 to 24.11.1985. It was further submitted that the Hon'ble CAT in May, 1977 quashed the order of the disciplinary authority as well as the appellate and has stated that he is entitled to get all the benefits. The increment was also one of the benefits and he should have been given increments but the management despite several representations did not pay him increment. He has claimed Rs.2173.00 as arrears of increment from 29.07.1978 to 24.11.1985. It was further submitted from the side of the workman applicant that he has not received full pay from 32 months 22 days despite the order of the CAT. He is entitled to full payment and order of the disciplinary authority dt. 30.04.1983 has been quashed by the Hon'ble CAT in May, 1997. **I have perused the order. In the order, it has been written that he is entitled to get all the benefits. The CAT also passed orders on 02.02.1992. As such, there are two orders of CAT Order dt. 02.02.1992 and order dt. May, 1997, the orders of the Disciplinary Authority as well as the Appellate Authority has been quashed by the CAT and it has been held that the applicant is entitled to get all the benefits just as bonus, increment etc. As such, according to the order of the CAT, the claimant is eligible to get all the consequential benefits.** According to the claim statement, he has not received the amount under head-I of Rs.1972.80, under head-II, he has not received the arrears of increment amount of Rs.2173.00. under head-III, he is also entitled to get full salary for 32 months and 22 days amounting to Rs.63,191.00. As such, the applicant has claimed in all Rs.67,296.80. It was submitted from the side of the management that dues are time barred. He has recovered the dues in LCA 167/85 but it was submitted from the side of the workman that these dues were not included in LCA No. 167/85. **The management has not filed any paper to show that these dues have been paid. The dues are not time barred as he has filed 7 LCAs after the order of the CAT.** It was further submitted from the side of the management that he cannot get these dues under an application under Section 33(C)(2) and the court has no jurisdiction to decide such applications. There is order of the CAT. The applicant may initiate contempt proceedings against the management and he may move an application under Section 33(C)(2) for the recovery of the dues that have become due. My attention was drawn to the judgment of the Hon'ble High Court of Gujarat and it has been held that in case, the Railway refused to pay back wages,



*the employees can move an application under Section 33(C) (2) even if the adjudication is of the CAT. The application is not illegal or without jurisdiction. **In view of the judgment, the claimant is entitled to recover the dues that have not been paid.** It was submitted from the side of the management that the management is not an industry. The court has no jurisdiction. All these pleas are useless. The court has the jurisdiction and the management is an industry in view of the judgment of the Bangalore Water Supply of the Hon'ble Supreme Court. **As such, the claimant is entitled to recover Rs.67,296.80 from the management / respondent.** There is no force in the argument of the management. It was submitted from the side of the management that the workman / applicant was suspended. Enquiry was held and he was dismissed. **In case, the order of the disciplinary authority and the appellate authority has been set aside by the CAT, the applicant is entitled to get full wages. The CAT has also held that the applicant is entitled to get all the consequential benefits. Consequential benefits include arrears of increment, full wages and leave at half pay sanctioned. Authorities ought to have payment but they have delayed the matter. The application under Section 33 (C)(2) of the ID Act deserves to be allowed.***

5. Hence, in the opinion of this Court, the learned Labour Court has rightly dealt with all the arguments raised by the parties and concluded that once the learned Central Administrative Tribunal had held the respondent entitled to all consequential benefits, the same also included the arrears of increments/wages/leave pay, which has been unnecessarily delayed by the petitioner. In the opinion of this Court, a plausible view has been taken by the learned Labour Court which ought not to be interfered while exercising the power under Article 226 of the Constitution of India. This Court does not sit as a Court of appeal over findings of fact rendered by the learned Labour Court and the petitioner has failed to demonstrate any perversity in the above findings.

6. Another argument has been raised by the learned Counsel for the petitioner that after the order was passed by the learned Labour



Court, it came to the knowledge of the petitioner department that respondent, during the said claim period, was working with the CGHS, due to which an FIR bearing No. 388/2009 was also registered against the respondent.

7. As rightly argued by the learned Senior Advocate, Mr. Om Prakash on behalf of the respondent, that the said objection was never taken by the petitioner before the learned Labour Court. Additionally, it has been informed that the FIR is still stated to be pending and no final order has been passed till today. Be that as it may, it was not the case of the petitioner department that the amount was not paid to the respondent for the reasons that he had joined another department. The same could have been a separate cause of action, for initiating fresh action, but cannot be taken into account to deny the relief to the respondent in the present proceedings. It also remains undisputed that no steps have been taken by the petitioner department pursuant to being informed that the respondent had allegedly been working in some other department during the period of suspension. Thus, no benefit of the same can be given to the petitioner at this stage. However, the petitioner is at liberty to take appropriate legal action if advised and permissible in law.

8. The same, however, cannot be formed basis for denying the amount which has been awarded by the learned Labour Court, specifically when the present petition had been filed more than two decades ago and only involves a sum of ₹67,296.80, for which the parties have been embroiled in litigation for decades now.

9. In view of the above discussion, this Court finds no reason to



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interfere in the impugned Award. The amount deposited by the petitioner before this Court pursuant to the order dated 04.04.2008, with all the accrued interest is directed to be released in favour of the respondent, in terms of the impugned award.

10. This Court appreciates the efforts put in by the learned Senior Counsel for the respondent who agreed to address arguments on behalf of the workman on being requested by the Court.

11. Accordingly, the petition is dismissed, along with pending applications, if any.

AMIT MAHAJAN, J

SEPTEMBER 14, 2026

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