

# Jai Pal & Ors vs Delhi Building And Other Construction ... on 5 October, 2020

**Author: Navin Chawla**

**Bench: Navin Chawla**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 3001/2020

JAI PAL & ORS

..... Petitioners

Through Ms.Shyel Trehan, Adv.

versus

DELHI BUILDING AND OTHER CONSTRUCTION WORKERS

WELFARE BOARD AND ANR

..... Respondents

Through Mr.Sanjay Ghose, ASC with Ms.Urvi  
Mohan, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% 05.10.2020 This hearing has been held by video conferencing.

CM 22339/2020 (delay in filing response on behalf of R-1) For the reasons stated in the application, the delay in filing response on behalf of respondent no.1 is condoned.

The application is allowed.

WP(C) 3001/2020

1. The learned counsel for the petitioners raises a grievance that the petitioner no.1 whose registration had lapsed in 2020 and has been seeking renewal of the same, has been given a date of verification as 04.03.2021.

2. On the other hand, the learned counsel for the respondents submits that the petitioner no. 1 has applied under the category of fresh registration and once the said petitioner applies again in the category of renewal of registration, an earlier date shall be given for verification process.

3. This petition has been pending consideration since 27.04.2020. The case of the petitioner being one of renewal of registration was mentioned in the petition itself. The petitioner no.1 clearly does not know which of the forms are required to be submitted for the purposes of seeking renewal of the registration.

4. Accordingly, it is directed that on the petitioner no.1 submitting the correct form, the process of verification shall be expedited and conducted within four weeks of receipt of such form. If the petitioner no. 1 is found entitled to the benefit under the Scheme announced by the respondent no.1, the same shall be released to him within the same period.

5. As far as the petitioner no.2 is concerned, the said petitioner has applied for a fresh registration under the provisions of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (hereinafter referred to as "Act"). He has also been given a date of 25.07.2021 for verification.

6. The Act has been promulgated for purposes of regulating the employment and conditions of service of building and other construction workers and to provide for their safety, health and welfare measures. This is clearly a beneficial legislation and its intent and purpose cannot be defeated by denying registration for such a prolonged period. Accordingly, the respondents are directed to expedite the process of verification and complete the same within a period of four weeks from today.

7. As far as the petitioner no.3 is concerned, even according to the Status Report filed by the respondents on 18.05.2020, the petitioner no.3 had applied for registration/renewal on 08.01.2020 and after payment of the charges, was granted such registration having validity till 09.01.2020. Though, it is not clear from the Status Report as to why the registration was valid only for one day, even otherwise, Section 17 of the Act provides for the effect of non-payment of the contribution in the following terms:

"17. Effect of non-payment of contribution:-When a beneficiary has not paid his contribution under sub-section (1) of section 16 for a continuous period of not less than one year, he shall cease to be a beneficiary:

Provided that if the Secretary of the Board is satisfied that the non- payment of contribution was for a reasonable ground and that the building worker is willing to deposit the arrears, he may allow the building worker to deposit the contribution in arrears and on such deposit being made, the registration of building worker shall stand restored.

8. Clearly, the registration of the petitioner no.3 would have ceased to have an effect only if there was a continuous default of a period not less than one year in his contribution. The petitioner no.3 was therefore, entitled to the benefit of the Scheme announced by the respondent no.1.

9. Without prejudice to her contentions, the learned counsel for the petitioners submits that if any payment is due from the petitioners, the same shall be duly paid.

10. In view of the above statement, the respondent no.1 is directed to release the payment under the Scheme announced by it to the petitioner no.3 within a period of four weeks, without awaiting the deposit of any renewal charges by the petitioner no. 3. If any payment with respect to the renewal charges are due from the petitioner no.3, the same be informed to the learned counsel for the

petitioners along with the mode and manner in which such payment can be deposited by the petitioner no.3. Once this is communicated, the petitioner no.3 shall deposit the charges so demanded by the respondent no.2.

11. The learned counsel for the petitioners has given the details of other workers who are similarly situated as petitioner no.3. The respondent no.2 shall verify the said list and if any worker is similarly situated as the petitioner no.3, keeping in mind the beneficial purpose of the legislation as also the Scheme announced by the respondents, the modality as has been directed in this order shall be applied to those workers as well.

12. List for reporting compliance on 2nd December, 2020.

NAVIN CHAWLA, J OCTOBER 5, 2020 RN