

Municipal Employees Union And Anr vs Municipal Corporation Of Delhi on 8 April, 2025

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of

+ W.P.(C) 4491/2025 & CM Appl.20758/2025

MUNICIPAL EMPLOYEES UNION AND ANR

Through: Mr. Rajiv Agarwal,
Ms. Meghna De and M
Advs.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respon

Through: Ms. Tajinder Virdi, SC with Mr.
Pratap Singh, Adv.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

CM Appl.20759/2025[Exemption from filing certified copies]

1. Allowed, subject to just exceptions.

2. The Application stands disposed of.

W.P.(C) 4491/2025 & CM Appl.20758/2025[Stay]

3. The prayers in the present Petition reads as follows:

"a. Issue an appropriate writ, order or direction, thereby setting aside/quashing orders dated 11.02.2025 and 05.03.2025 in In Re Suo Moto vs MCD passed by Ld. Central Government Industrial Tribunal Cum Labour Court - 01, Delhi; and/or b. Issue an appropriate writ, order or direction, thereby directing the Learned Central Government Industrial Tribunal Cum Labour Court - 01 for deciding the claims under Section 33 C (2) of the Industrial Disputes Act on merit and as per procedure; and/or"

4. It is the grievance of the Petitioners that in view of the absence of a 2nd Presiding Officer in Central Government Industrial Tribunal-cum-Labour Court- 01 at Delhi, the learned Presiding Officer in Central Government Industrial Tribunal-cum-Labour Court-II has taken suo moto cognizance of 7036 cases which have been filed against the Municipal Corporation of Delhi (MCD) and are pending before the learned Tribunal and has passed orders in respect thereof. In pursuance thereof, the learned presiding officer has directed setting up of help- desks in the Tribunal and certain other directions have been passed in respect of the matters which are pending for adjudication before the Courts.

5. Learned Counsel for the Petitioners submits that by the orders dated 11.02.2025 and 05.03.2025, the learned Central Government Industrial Tribunal has exercised suo moto powers for assistance in adjudication of these cases, which is not permissible in law.

6. Learned Standing Counsel for Respondent, who appears on advance service, submits that the orders reflect the efforts made by the learned Presiding Officer, with a view to reduce the high pendency. In addition, it is contended that the help desks have already been set up by the Respondent and are operational for all twelve zones.

7. Both Counsel are however ad idem on the aspect of the fact that no help desk can adjudicate matters before the learned Labour Court.

8. This Court has examined both the orders. By the order dated 11.02.2025, it has been directed that Notice be issued to the Commissioner of MCD to sort out the issue of 7036 cases that are pending only for calculation of dues in the Tribunal, where MCD is a party and the claimants are claiming entitlement as per Fourth to Sixth Pay Commission since MCD has admitted its liability in similar cases which were earlier decided by the tribunal. The Order dated 11.02.2025 being brief is reproduced below:

"BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT No.1 DELHI Undersigned has taken charge of CGIT-1 on 27.12.2024. It has come to my notice that around 7036 cases u/s 33 C(2) of the ID Act are pending only for calculation of dues in this Tribunal. In most of these cases, MCD is party where the claimants want to calculate their dues as per their entitlement under FOURTH to SIXTH Central Pay Commission etc. In these circumstances, let the notice be issued to the Commissioner of MCD to appear and apprise this Tribunal, for sorting out these issues because in cases disposed off by this Tribunal earlier, MCD has admitted its liability. Put up for 05.03.2025.

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(Presiding Officer) 11.02.2025 [Emphasis Supplied] 8.1. Subsequently, by an order dated 05.03.2025, the tribunal records that an Application was filed by the MCD stating that 4327 claimants under Section 33C(2) of the Industrial Disputes Act, 1947 [hereinafter referred to as the "ID Act"] have been identified and the tribunal thereafter passed directions to calculate the claims by the help desks as set by MCD. The relevant extract of Order dated 05.03.2025 is below:

" ...

In pursuance to the notice issued to the Commissioner (MCD) for appearance, an application has been filed by Ms. Tajinder Viridi, Standing Counsel for MCD. seeking exemption from personal appearance of the Commissioner (MCD) stating that out of more than 7000 applications filed u/s 33C (2) of the ID Act, they have identified 4327

applications and necessary directions have been issued to the Official of MCD to calculate the dues due upon the MCD of the claimants in question.

It is important to mention here that this court has taken suo moto cognigence of pendency of more than 7000 cases filed u/s 33C(2) of the ID Act against the MCD. In all the applications, claimants have made prayer to calculate their dues as per compliance of applicability of Fourth/Fifth/Sixth/Seventh Pay Commissioner. Being constrained, this Tribunal had issued notice to the Commissioner (MCD) to appear and apprise the court to find the way out for resolving this disputes.

This Tribunal has also come to know after going through the record of various cases disposed off where the reply has been filed without issuance of any notice and the Award have been passed and in some cases MCD has filed application for setting aside the order because the MCD has to pay much less than what has been ordered by this Tribunal. Considering the overall aspect, this Tribunal directs the MCD Commissioner to create the helpdesk of all the twelve zones within four weeks of passing of this order to sort out these issues of the workmen. Helpdesk shall be supervised by the officer not below the rank of Assistant Commissioner. After calculating the amount, the same shall be sent to this court under the signature of Deputy Commissioner of that Zone. MCD shall also publish the general notice in their respective zonal officers as well as this Tribunal for sorting out the financial implications of the workmen. Put up for 28.05.2025. A copy of this order be given dasti to the counsels."

[Emphasis supplied]

9. With the consent of the parties, this matter is taken up for hearing and final disposal today.

10. As discussed above, no doubt the issue of pendency that is being faced in the Tribunal is grave. However, and in an effort to reduce the pendency, the fact that the power to adjudicate a claim rests only with the judicial authority, cannot be lost sight of. Accordingly, this Court deems it apposite to pass the following directions are passed:

(i) The Impugned Order dated 05.03.2025 to the extent of setting up of help desks within a period of four weeks for all twelve zones shall continue as is.

(ii) The directions passed for calculating the amounts due to be sent to the learned Labour Court under the signatures of Deputy Commissioner of that Zone is set aside. However, this does not preclude the Respondent from filing Affidavit(s)/appropriate Applications in the pending/other cases based on the amounts due to the workman.

(iii) A help desk, as the name suggests, would be one or more person(s) sitting to assist any workmen. The workmen whose cases are pending before the CGIT or who visit the premises are at liberty to approach the help desks for assistance.

(iv) The adjudication of their claims/amounts due will not be undertaken by any person operating the help desks.

(v) The MCD is at liberty to put up notices in their respective zonal offices with regard to the working of the help desk.

11. The Petition is disposed of in the foregoing terms. Pending Application also stand closed.

12. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J APRIL 8, 2025/r/ ha [Click here to check corrigendum](#), if any