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

% ***Date of Decision: 26.09.2025***

\+ **W.P.(C) 8088/2020**

BALDEV SINGH & ANR. .....Petitioners

Through: Mr. Anuj Aggarwal & Ms. Kritika Matta, Advs.

versus

THE DISTRICT COLLECTOR OFFICER & ORS. .....Respondents

Through: Ms. Pratima N. Lakra, CGSC with Ms. Raunak Aggarwal, Mr. Chandan, Mr. Shivansh Bansal & Ms. Kanchan Shakya, Advs.

CORAM:
HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

CM APPL. 3929/2022 ***[Revival of Writ Petition]***

1. The Petition was disposed of by an order of this Court dated 16.10.2020. Subsequently, an Application for revival of the Writ Petition was filed. The Application has been pending before this Court for the last five years.

2. Accordingly, and for the reasons as stated in the Application, this Court deems it apposite to revive the Writ Petition.

3. The Application stands disposed of.

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4. The grievance of the Petitioner as articulated in the present Petition was that the recovery certificate dated 19.01.2016 [hereinafter referred to as

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the "Recovery Certificate"] issued by the Regional Labour Commissioner ought to be enforced and the amounts be released to the Petitioners.

5. This Court, after hearing the parties, on 16.10.2020, passed directions stating that since the prayers in the Petition are only for enforcement of the Recovery Certificate and implementation of the Award dated 22.02.2006, the Respondent No.1 shall take immediate steps to implement the Recovery Certificate and recover the amount from Respondent No.3/CPWD within two weeks and upon recovery being made, the payment shall be made to the Petitioners within a further period of one week. The Court also granted the Petitioners the liberty to approach this Court if payments are not made within the timeline stipulated. The relevant extract of the order dated 16.10.2020 is set out below:

> *"6. Since the prayer in the present writ petition is only for enforcement of the recovery certificate and implementation of the Award dated 22nd February, 2006, which has already been upheld by this Court, it is directed as under:-*
>
> *i. The Respondent No. 1 shall take immediate steps to implement the recovery certificate dated 19th January, 2016 and recover the amount from CPWD within a period of two weeks.*
>
> *ii. Upon the said recovery being made, the payment shall be made to the Petitioner, within a further period of one week and the entire process shall in any case be concluded within a period of thirty days from today.*
>
> *7. The writ petition is disposed of, in the above terms. The Petitioners are permitted to approach this Court, if the payments are not made within the timelines stipulated above."*

6. The Petitioners were, however, constrained to file CM APPL. 3929/2022 on 23.11.2021 for revival of the Petition since the payments were not made.

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7. Learned Counsel for Respondent No.3 has submitted that the payments have been made, however, there were certain deductions that were required to be made, which were reduced from the payments to be made to the Petitioners. In this behalf, the Respondent No.3 has sought to rely upon the banking instrument dated 25.01.2022 in the sum of Rs.3,17,463/- issued in favour of Petitioner No.1 and banking instrument dated 25.01.2022 in the sum of Rs.3,29,520/- issued in favour of Petitioner No. 2.

8. This Court had by an order dated 07.08.2025, after briefly hearing the parties, had directed as follows:

> 1.1 Thereafter, the Petition was revived basis an Application being CM APPL. 3929/2022 filed by the Petitioners and directions were also passed by an order dated 11.02.2022 by the Court in this behalf. It is apposite to set out the relevant extract of the order dated 11.02.2022 below:
>
> *"3. Mr. Naman Jain, ld. Counsel for the Respondent No.1 submits that the recovery certificate has already been issued. Thus, no amounts could have been deducted.*
>
> *4. Ms. Bharti Raju, ld. CGSC submits that the amounts paid to the Workmen are as under:*
>
> *i) Rs.3,17,463/- in favour of Mr. Baldev Singh (Petitioner No.1)*
>
> *ii) Rs.3,29,523/- in favour of Mr. Bal Kishan (Petitioner No.2)*
>
> *5. Let Ms. Raju, ld. Counsel seek instructions as to why the said deductions have been made. If the said amounts are found to be incorrectly deducted, the remaining payment shall also be made, by the next date."*
>
> 2. It is the contention of the learned Counsel for the Petitioners that the directions of 16.10.2020 were not complied with. In pursuance thereof, an Affidavit was filed.
>
> 3. Learned Counsel for Respondent No.3 submits that in compliance with the order passed by the Court form time-to-time, the Respondent No. 3 has already paid the amount of Rs.3,17,463/- in favour of Petitioner No.1 and Rs.3,29,523/- in favour of Petitioner No.2.
>
> 3.1 Learned Counsel for the Respondent No.3 further submits that the payments have been made in view of the prevailing policy and as per the

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Office Memorandum dated 21.10.1990. Reliance is placed on Paragraphs 10 and 11 of the Affidavit dated 12.07.2023 which is filed by the Respondent/Union of India which are set out below:

> *"10. That in view of the directions of this Hon'ble Court and in terms of the prevailing policy, the calculations in arriving at the wages to be paid to the petitioners for the period from 01.04.2012 to 31.08.2015 as per the Award dt 22.02.2006 is brought out in a tabulated form which is annexed as* ***Annexure R-A****. The same is as per the formula stated in OM Dt 21.10.1990 which is also the admitted position of the petitioners in the claim statement. A copy of the Statement of Claim is annexed as Annexure-B. Hence, the amount arrived and stated in the Recovery Notice is factually and legally incorrect.*
>
> *11. Further, the award at para 2 also confirms the similarly situated daily rated workers were getting their wages in thee minimum of time scale along with all allowances except increment. The Ld CGIT is seized of the regularisation issue and is pending adjudication before it. Hence, the wages as determined by the respondent is based on the Ld CGIT award and the related policy."*

9. Subsequently, a detailed Affidavit has been filed by the Respondent No.3 setting out a tabular chart of the deductions made. The Affidavit however does not contain any specific details as to why these deductions have been made. In fact, the Affidavit says that if there is any error in calculation, it should be pointed out by the Petitioner. It is apposite to extract paragraphs 2, 3 and 4 of the Affidavit, which read as follows:

> *"2. That it is most respectfully submitted that the Respondent No. 3 has duly complied with the award dated 22.02.2006 passed in the present matter by the Ld. Tribunal.* ***The calculation of the payable amount was prepared on the basis of official records, and the said amount has already been disbursed to the petitioners through cheques, the details of which are annexed hereto as Annexure R-3/1.***
>
> *3. That the cheque amounting Rs. 3,17,463/- has been paid to petitioner no. 1-Sh. Baldev Singh and an amount of Rs. 3,39,520/- has been paid to petitioner no. 2/Sh. Bal Kishan on 25.01.2022 itself as per calculation sheet enclosed herewith as* ***ANNEXURE R3/1.***
>
> *4. That it is also most respectfully submitted that along with the present affidavit, the calculation sheet of wages/dues has been appended.* ***It is***

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also submitted that if the petitioners are of the view that there is any error in the calculation, they may kindly be directed to specifically point out such error before this Hon'ble Court."

[Emphasis supplied]

10. Today, learned Counsel for the Respondent No.3, on instructions, submits that there has been no deduction made, however, there is an error in the Recovery Certificate.

10.1 This submission is controverted by the learned Counsel for the Petitioner. Learned Counsel for the Petitioner draws the attention of the Court to the fact that the Recovery Certificate has not been challenged by the Respondent No.3 till today.

11. Concededly, this Petition was originally disposed of by this Court directing that the payment be made in terms of the Recovery Certificate on 16.10.2020. The complete payments as set out in terms of the Recovery Certificate have not yet been made by the Respondents. It is also undisputed that there has been no challenge made to the Recovery Certificate that was the subject matter of this Petition.

12. Accordingly, this Court deems it apposite to direct the Respondent No.3 to make good the balance amounts payable in terms of the Recovery Certificate to both the Petitioners/their legal representatives, within three weeks, failing which the Respondent No.3 shall also be liable to pay interest at the rate of 6% per annum on the balance amounts due, as set out in the Recovery Certificate.

12.1 In addition, the Respondents shall also pay costs in the sum of Rs. 10,000/- each to the Petitioners/their legal representatives.

13. The Petition is disposed of in the aforegoing terms. All pending

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Applications stand closed.

14. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

SEPTEMBER 26, 2025/ *ha*/r

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