

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
REVENUE DEPARTMENT: DELHI
(GENERAL ADMINISTRATION BRANCH)
5, SHAM NATH MARG, DELHI-54.

No. F.1(69)/GA/DC/2020/419

Dated: 11/03/2022

ORDER

In compliance of Hon'ble High Court of Delhi's Order dated 10.02.2022 in W.P (C) No. 2174/2022 and 2620/2022, the approval of Hon'ble Lt. Governor of Delhi, Govt. of NCT of Delhi, is hereby conveyed for creation of 02 Supernumerary Posts of Caretakers in the Revenue Department to regularise the services of the 02 Caretakers as listed below, in the pay scale of Rs. 650-1200 (3rd CPC) {revised to Rs. 2000-3500 (4th CPC), Rs. 6500-10500 (5th CPC), PB-2 + GP-Rs. 4200/- (6th CPC) and Level-6 (7th CPC)}, w.e.f. the dates of the respective Awards of the Industrial Tribunal passed in favour of the 02 Caretakers listed below, with all consequential benefits.

Sl. No.	Name of caretaker	Father's Name	Date of Birth	Date of Appointment	ID No.
District South West					
1.	Laxmi Chand	Sh. Nanak Chand	22.01.1962	08.03.2000	63/2003
2.	Satya Prakash	Sh. Rampat	01.10.1964	04.07.2003	39/2006

The creation of the above 02 Supernumerary Posts of Caretakers in the respective Districts is subjected to the conditions stipulated by the Finance Department, Govt. of NCT of Delhi, that the Supernumerary post is a shadow post and the same is personal to the officer/official for whom it is created and no other officer/official can be appointed against such a post. It will be abolished as soon as the officer/official, for whom it was created, vacates it on account of retirement or confirmation in another regular permanent post or for any other reason.

This issues with the concurrence of the Finance Department, Govt. of NCT of Delhi and the prior approval of Pr. Secretary (Revenue)/Divisional Commissioner.

(R. R. SINGH)
SDM-VI (HQ)

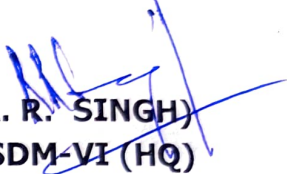
Dated: 11/03/2022

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Copy for information and necessary action to:-

1. Secretary to Hon'ble LG of Delhi, Raj Niwas, GNCTD, Delhi.
2. PA to Pr. Secretary (Revenue)/Divisional Commissioner, 5, Sham Nath Marg, GNCTD, Delhi.
3. Secretary, Finance Department, GNCTD, Level 4, Delhi Secretariat, I P Estate, Delhi.
4. PS to Secy.-cum-Commissioner (Dev.), 5/9, Under Hill Road, Delhi - 110054.
5. PA to PD (RD)/SDC, Development Dept., 5/9, Under Hill Road, Delhi - 110054.

6. District Magistrate (South West), Revenue Department, GNCTD, Delhi.
7. The Controller of Accounts/DCA (HQ), Revenue Department, GNCTD, Delhi.
8. SDM (HQ), South West District, Revenue Department, GNCTD, Delhi.
9. BDO, South West Districts, Revenue Department, GNCTD, Delhi.
10. OIC, Accounts Branch, South West Districts Revenue Department, GNCTD, Delhi.
11. PAOs of South West, through the District offices.
12. Executive Magistrate/Recovery Officer, O/o SDM, Kotwali, 14, Daryaganj, Delhi.
13. JLC (North), Labour Dept., GNCT of Delhi, Nimri Colony, Ashok Vihar, Delhi.
14. All 02 caretakers or their nominees, through SDM (HQ) of South West Districts Revenue Department, GNCTD, Delhi.
15. Sr. System Analyst, Revenue Department (HQ), GNCTD, with the request to upload this order on the website of the Revenue Department Revenue Department, GNCTD, Delhi.


(R. R. SINGH)
SDM-VI (HQ)

SUB-DIVISIONAL MAGISTRATE (ROTWALLI)
& ORS

Respondent,
Through: Mr. Rizwan, Advocate for GNCTD

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **10.02.2022**

1. This hearing has been done through video conferencing.
2. The present petition has been filed owing to the delay in the execution of the recovery certificate arising from the impugned Award dated 24th March, 2006 in **ID No.63/2003** titled ***The Management of M/s. Rural Development Department, GNCTD v. Its. Workmen.***
3. The case of the Petitioner/Workman is that the impugned Award dated was upheld, vide judgment on 28th March, 2019 passed by the Id. Single Judge of this Court in **W.P. (C) 17555/2005** titled ***Project Director, Department of Rural Development v. Its Workmen*** and other connected matters. The SLP against the said judgment is also stated to have been dismissed on 14th October, 2019. Despite this position, the amounts in terms of the Award were not paid to some of the Workmen. This constrained the Workmen to file applications under Section 33C(1) of the Industrial Disputes Act, 1947, leading to the issuance of recovery certificate.
4. Ms. Meghna De. Id. Counsel for the Workman submits that various

before this Court today. However, the Respondent No.2's certificate would now be given effect to there being no further delay.

8. Last and final opportunity to make the payment in terms of the recovery certificate, is given to the Respondent No.2 Management, by 13th March, 2022. If the said amount is not paid to the Workman by the said date, costs of Rs.1,00,000/- shall be liable to be paid to the Workman. Further, if the said amount is not paid, responsibility would be fixed upon the concerned SDM, as also the concerned officials of the GNCTD.

9. The present petition, along with all pending application, is disposed of in the above terms.

10. List for the purpose of compliance, on 29th March, 2022.

PRATHIBA M. SINGH, J.

FEBRUARY 10, 2022

dj/ad

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
W.P.(C) 2620/2022

SATYA PRAKASHI

Through: Ms. Meghna De. Associate
c/s/s

SUB DIVISIONAL MAGISTRATE (R&D) &
ORS.

Through: Mr. Sameer Vashisht, Advocate for
GNCTD.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
10.02.2022

1. This hearing has been done through video conferencing.
2. The present petition has been filed owing to the delay in the execution of the recovery certificates arising from the impugned Award dated 27th April, 2006 in *ID No. 39/2006* titled *The Management of M/s. Rural Development Department, GNCTD v. Its Workmen*.
3. The case of the Petitioner/Workman is that the impugned Award dated was upheld, vide judgment on 28th March, 2019 passed by the Id. Single Judge of this Court in *W.P. (C) 17555/2005* titled *Project Director, Department of Rural Development v. Its Workmen* and other connected matters. The SLP against the said judgment is also stated to have been dismissed on 14th October, 2019. Despite, this position, the amounts in terms of the Award were not paid to some of the Workmen. This constrained the Workmen to file applications under Section 33C(1) of the Industrial Disputes Act, 1947, leading to the issuance of recovery certificate.

GNCTD, even though it has been garnished in the court. It is also stated that the amount has been recovered in terms of the recovery certificate issued by the said Officer, and no steps are being taken for the attachment of bank accounts.

5. Mr. Sameer Vashisht, Id. Counsel appears for the GNCTD. The SDM, Kotwali- Mr. Arvind Rana has also appeared and submitted that the several recovery certificates have been received by him. The said recovery certificates are stated to have been executed. However, in case of some of the Workmen, including the Petitioner, the amount has not yet been recovered. He submits that the said Workman has now been shifted from the Department of Rural Development, GNCTD to the Department of Revenue, GNCTD, and steps are being taken to recover the amount accordingly.

6. This Court has noticed that the Industrial Dispute in this petition is of the year 2003, and the Award has been passed in the year 2006. Since the Award has achieved finality, the Award ought to have been implemented by the GNCTD without any delay whatsoever, and the Workman ought to have been paid in terms of the Award. There should have been no requirement for the Workman to approach the Recovery Officer under Section 33C(1) of the Industrial Disputes Act, 1947. The Workman was constrained to approach the Recovery Officer, and the impugned recovery certificate has also been issued in favour of the Workman, way back in December, 2020. Thus, more than fifteen months have passed since the issuance of the said recovery certificate.

7. The SDM who works under the GNCTD, as also the Management, are part of the GNCTD. Thus, the inexplicable delay in honouring the Award is

