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

+ CONT.CAS(C) 1263/2024

SANOJ KUMAR AND ORS

.....Petitioner

Through: Ms. Shivani Verma with Mr. Kamlesh
Kumar Mishra and Ms. Renu, Mr.
Mishra Divya Santosh, Advocates.

versus

SHRI MANISH KUMAR GUPTA AND ORSRespondent

Through: Ms. Vaishali Gupta, Panel Counsel
for GNCTD.
Mr. Ranjan Rai, Advocate with Ms.
Shalu, Adv for Prayas
NGO.
Mr. Rishi Kant Singh for DUSIB.

51+ CONT.CAS(C) 1325/2024

ABHINAV GUPTA

.....Petitioner

Through: Ms. Shivani Verma with Mr. Kamlesh
Kumar Mishra and Ms. Renu, Mr.
Mishra Divya Santosh, Advocates

versus

SHRI MANISH KUMAR GUPTA AND ORSRespondent

Through: Mr. Ranjan Rai, Advocate with Ms.
Shalu, Adv for Prayas
NGO.
Mr. Rishi Kant Singh for DUSIB.

72+ CONT.CAS(C) 1920/2024

SANOJ KUMAR

.....Petitioner

Through: Ms. Shivani Verma with Mr. Kamlesh



Kumar Mishra and Ms. Renu, Mr.
Mishra Divya Santosh, Advocates

versus

SHRI MANISH KUMAR GUPTA AND ORSRespondent

Through: Ms. Vaishali Gupta, Panel Counsel
for GNCTD.

Mr. Ranjan Rai, Advocate with Ms.
Shalu, Adv for Prayas
NGO.

Mr. Rishi Kant Singh for DUSIB.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
25.04.2025

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CONT.CAS(C) 1263/2024 & CONT.CAS(C) 1325/2024

1. These petitions have been filed seeking compliance of order dated 15th March 2024 in *W.P.(C) 3900/2024* and order dated 20th May 2024 in *W.P.(C) 7899/2024*, where the Court had passed directions for respondents (*Chief Labour Commissioner, (Central) and the Labour Commissioner, GNCTD*), to decide the representation of the petitioners with a speaking order, after giving an opportunity of being heard, to the parties.
2. Status report has been filed by respondent no. 1.
3. Counsel who is appearing for the Labour Commissioner points out that the compliance has been done and order dated 15th October 2024 has been passed.
4. Said order essentially, directs that the DUSIB being the principal employer and *M/s Prayas JAC Society* being the Sub-Contractor, were operating these isolation centres during the '*COVID period*', in which, the



petitioners were working as, ‘Caretaker’, ‘Caretaker Reliever’ & ‘Sweeper’, for a period of 8 months starting from July 2021 to March 2022, for which, they were paid.

5. The findings of the Labour Commissioner are extracted as under:

5. I have gone through the pleadings & documents lead by parties and material available on records and my findings in the case are as under:

The claimants have claimed that they were working with M/s DUSIB through M/s Prayas JAC Society. Further, they have claimed that they have not been paid the wages for the month of July 2021 to March 2022.

Respondent M/s DUSIB have already stated that the payment of due wags of the workmen/ claimants are subject to the necessary documents regarding to the service of the workmen/ claimants and the same was filed by the M/s Prayas JAC Society. The

Authority Under the Delhi Shops & Establish
Act, 1954, GNCT of Delhi



Respondent M/s DUSIB received and checked the documents and stated that they are satisfied with the documents submitted during the proceeding dated 23.09.2024, as the facts have been admitted by the Respondent M/s DUSIB, there is no reason to disbelieve the claim of the workmen/claimants, therefore I have no hesitation in holding that the workmen/claimants have worked with the Respondents during the period as mentioned in their claim and has not been paid his earned wages for the period as claimed.

Here it is also pertinent to mention that as per Sub-section 3 & 4 of Section 21 of The Contract Labour Act (Regulation and Abolition), 1970: -

(3) It shall be the duty of the contractor to ensure the disbursement of wages in the presence of the authorized representative of the principal employer.

(4) In case the contractor fails to make payment of wages within the prescribed period or makes short payment, then the principal employer shall be liable to make payment of wages in full or the unpaid balance due, as the case may be, to the contract labour employed by the contractor and recover the amount so paid from the contractor either by deduction from any amount payable to the contractor any contract as a debt payable by the contractor.

Hence in view of above, the claimants are entitled to earned wage for the period mentioned in the Annexure-I from Respondent No. 1 i.e., M/s Delhi Urban Shelter Improvement Board (DUSIB).

6. Accordingly, petitions are disposed of, noting the above.

CONT.CAS(C) 1920/2024

1. This petition has been filed by workers, alleging wilful disobedience of order dated 15th October 2024, passed by the Labour Commissioner, findings are extracted above.

2. The said amounts are still not being paid by DUSIB, Mr. Rishi Kant Singh, Counsel for DUSIB states that they had contracted out the work to *M/s Prayas JAC Society*, and therefore, are not obliged to pay the said amounts.

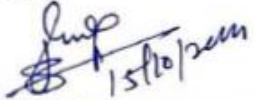
3. Mr. Rishi Kant Singh, submits, that since the matter was sub-contracted to *M/s Prayas JAC Society*, they are to make the payments and then demand the same from DUSIB, and then, DUSIB will reimburse them.



4. The Court is astonished and is completely shocked at this submission which shows sheer insensitivity of the DUSIB to pay these workers, who have worked during the ‘*COVID period*’, to serve the public.

5. The other aspects of the order dated 15th October 2024, to give a background of this matter, are also extracted herein, for the purposes of record:

1. By this order I will dispose of the application/ representation filed by the applicants /claimants Sh. Sanoj Kumar S/o Sh. Siya Ram Mukhiya &13 Ors. dated 29.02.2024 under the Delhi Shops & Establishment Act, 1954 (hereinafter referred to as the Act) regarding non-payment of due earned wages by the respondent/ management.


15/10/2024
Authority Under the Delhi Shops & Establishment
Act, 1954, GNCT of Delhi



The claimants have stated in their claim application/representation that they worked with Respondents on post of "Caretaker, Caretaker Reliever & Sweeper full time" for the period of 08 months starting from July 2021 to March 2022 for working in Isolation Center at Geeta Colony during the Covid period employed by the principle employer being DUSIB through sub-contractor M/s Prayas JAC Society Add: 59, Tughlakabad Institutional Area, New Delhi-110062 registered under the Society Registration Act, XXI of 1860 having registration No. S-20291. The claimants have been stated therein representation the respondents have not been paid earned wages till date despite repeated requests have been made. The earned wages / unpaid wages our for the period from starting July 2021 to March 2022 totally upto 8 months. Further, stated that the claimants/workmen provided their service in the most difficult and dangerous situation that too during the Covid-19 period. They were working in the DUSIB Board Isolation Center and provided their services in the Isolation Camp at Geeta Colony. During in famous Covid-19 pandemic, which affected the life of every human being on this planet. The Workmen/Claimants were working as Caretaker, Caretaker Reliever & Sweeper full time which required then to have come in contract in contact with the probable Covid-19 positive persons. That owing to the emergent situations the workmen/claimants did not given care to ask for appointment letter or any other documentation and gave their service in those their difficult times. That these Isolation Center were being operated by the DUSIB and the claimants/workmen wherein were thus working for them through the contractor.

These 14 claimants/Workmen worked there for a total period of 10 month i.e. May 2021 to March 2022 during which they give their priceless services and serve a total of 35 patients during the period, for which they were termed as Covid worriers and saviors of humanity, however, these terms proved to be mare words of mouth and were put to shame as these claimants/workmen were not paid for providing their valuable services when everyone else was afraid of given stepping out of their home. Further, the claimants stated that only paid salary for a period of two months and remained unpaid from the month of July 2021 to March 2022. The convivences the list of 14 persons (Annexure – I) who were not paid earned wages the amount to be paid each of them each being reproduced below in a tabular form:

Authority Under the Delhi Shops & Establishment
Act, 1954



ANNEXURE - I

CONT.CAS(C) 1263/2024

S. No.	Name	Father/Husband Name	Designation	Pending Wages in Rs.
PERIOD: - July 2021 to March 2022				
1	Sh. Sanoj Kumar	Sh. Siya Ram Mukhiya	Care Taker Reliever	65936
2	Sh. Dileep Kumar	Sh. Sughar Singh	Care Taker	161919
3	Sh. Dharmendra Kumar	Sh. Arun Kumar	Care Taker	71964
4	Sh. Santosh Singh	Sh. Shiv Narayan Singh	Care Taker " "	35982
5	Sh. Deepak Singh	Sh. Akbal Singh	Care Taker	71964
6	Sh. Nishant Kumar	Sh. Rajesh Kumar	Care Taker	161919
7	Sh. Nitin Singh	Sh. Phool Singh	Care Taker	35982
8	Smt. Bimla	Sh. Sohan Singh	Sweeper (Full Time)	126000
9	Sh. Dimpal	Sh. Deepak Gupta	Sweeper (Full Time)	126000
10	Sh. Niranjana Singh	Sh. Sita Ram	Care Taker	125937
11	Sh. Ramesh Singh	Sh. Dharampal Singh	Care Taker	89955
12	Sh. Sushant Kumar	Sh. Vipin Kumar	Care Taker	89955
13	Sh. Parmveer Choudhary	Sh. Bhanjan Choudhary	Care Taker	125937
14	Sh. Kamata Prasad Singh	Sh. Indra Pal Singh	Care Taker Reliever	82420

[Handwritten Signature]
15/10/2024

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Act, 1954, GNCT of Delhi



ANNEXURE – I
CONT.CAS(C) 1263/2024

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PERIOD: - July 2021 to March 2022				
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6	Sh. Nishant Kumar	Sh. Rajesh Kumar	Care Taker	161919
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8	Smt. Bimla	Sh. Sohan Singh	Sweeper (Full Time)	126000
9	Sh. Dimpal	Sh. Deepak Gupta	Sweeper (Full Time)	126000
10	Sh. Niranjan Singh	Sh. Sita Ram	Care Taker	125937
11	Sh. Ramesh Singh	Sh. Dharampal Singh	Care Taker	89955
12	Sh. Sushant Kumar	Sh. Vipin Kumar	Care Taker	89955
13	Sh. Parmveer Choudhary	Sh. Bhanjan Choudhary	Care Taker	125937
14	Sh. Kamata Prasad Singh	Sh. Indra Pal Singh	Care Taker Reliever	82420

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ANNEXURE – II
W.P.(C) 7776/2024

S. No.	Name	Father/Husband Name	Designation	Pending Wages in Rs.
Period: - December 2021 to March 2022				
1	Abhinav Gupta	Sh. Ravi Gupta	Care Taker	50458
2	Rohit Kumar Roy	Sh. Nagendra Ray	Care Taker	50458
3	Ranjeet Tiwari	Sh. Birendra Tiwari	Care Taker	50458
4	Mangani Paswan	Sh. Jageshwar Paswan	CT. Reliever	53030
5	Jai Prakash Thakur	Sh. Sipahi Thakur	Sweeper	45603
6	Brajesh Paswan	Sh. Nandu Paswan	Care Taker	63738
7	Chandan Kumar	Sh. Ramashrey Sah	Care Taker	63738
8	Mahesh Kumar	Sh. Brijlal	Care Taker	63738
9	Ritik Yadav	Sh. Birendra Singh	Care Taker	63738
10	Abhay Pratap Singh	Sh. Manoj Singh	Care Taker	63738
11	Yogesh	Sh. Govardhan	Care Taker	63738
12	Guddu Kumar	Sh. Yogendra Prasad	CT. Reliever	57641
13	Shambhu Mukhiya	Sh. Siyaram Mukhia	Sweeper	48519
14	Ashish Singh	Sh. Jay Karan Singh	Care Taker	58414
15	Pavan Kumar Singh	Sh. Santosh Kumar Singh	Care Taker	58414
16	Satyam Singh	Sh. Munnu Singh	Care Taker	58414
17	Sanoj Kumar	Sh. Siya Ram Mukhiya	Care Taker	63738
18	Atul Kumar	Sh. Nirmal Singh	Care Taker	63738
19	Rajanish Kumar Upadhyay	Late Ramkumar Upadhyay	Care Taker	63738
20	Nandan Paswan	Sh. Umakant Paswan	CT. Reliever	57641
21	Sarveswari Kumari	Sh. Sanjay Thakur	Sweeper	49580
22	Sachin Yadav	Sh. Bhoora Yadav	Care Taker	60418

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43

23	Manoranjan Kumar Upadhyay	Sh. Shiv Kumar Upadhyay	Care Taker	60418
24	Radhey Krishna Upadhyay	Sh. Jay Narayan Singh	Care Taker	60418
25	Sohan	Sh. Sriram Madal	Care Taker	60418
26	Mandan Kumar	Sh. Jai Prakash	Care Taker	60418
27	Bhupendra Singh Kathait	Sh. Surendra Singh Kathait	Care Taker	60418
28	Harsh Gupta	Sh. Pawan Gupta	CT. Reliever	55336
29	Rakesh Kumar Thakur	Sh. Vikrama Thakur	Sweeper	48254
30	Anurag Singh	Sh. Chandra Sekhar Singh	Care Taker	60418
31	Manish Kumar	Sh. Satyendra Prasad	Care Taker	60418
32	Raj Kishor Sah	Sh. Shankar Sah	Care Taker	60418
33	Abhinav Singh	Sh. Anand Prakash Singh	Care Taker	61082
34	Harish Kumar	Sh. Ramnath Singh	Care Taker	61082
35	Rajesh Singh	Sh. Dinesh Pal Singh	Care Taker	61082
36	Sumit Kumar Rai	Sh. Jay Prakash Singh	CT. Reliever	55336
37	Ram Parkash Mandal	Sh. Shiv Chand	Sweeper	48519
38	Rahul Kumar	Sh. Madan Kumar	Care Taker	60418
39	Roshan Kumar	Sh. Ram Vinay Sahu	Care Taker	60418
40	Raman Kumar	Sh. Ramsakha	Care Taker	60418
41	Anshu Singh	Sh. Ramesh Singh	Care Taker	60418
42	Mohit Singh	Sh. Ramesh	Care Taker	60418
43	Jagdish	Sh. Ram Bahadur	Care Taker	60418
44	Shivanshu Gupta	Sh. Hari Shankar	CT. Reliever	27668
45	Suman	Sh. Ram Ajour	Sweeper	24127

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ANNEXURE – III
CONT.CAS(C) 1325/2024, W.P.(C) 7899/2024

S. No.	Name	Father/Husband Name	Pending Wages in Rs.
Period: - February 2021 to March 2021			
1	Abhinav Gupta	Ravi Gupta	31138
2	Asheesh Kumar	Suryabhan	31138
3	Satyam Singh	Munna Singh	31138
4	Yogesh	Govardhan	29070
5	Guddu Kumar	Yogendra Prasad	25686
6	Shambhu Mukhiya	Siyaram Mukhiya	31138
7	Ashish Singh	Jay Karan Singh	31138
8	Pavan Kumar Singh	Santosh Kumar Singh	31138
9	Satyam Singh	Munnu Singh	31138
10	Atul Kumar	Nirmal Singh	31138
11	Rajanish Kumar Upadhyay	Late Ram Kumar Upadhyay	29070
12	Nandan Paswan	Umakant Paswan	25686
13	Sarveswari Kumari	Sanjay Thakur	31138
14	Sachin Yadav	Bhoora Yadav	31138
15	Manoranjan Kumar Upadhyay	Shiv Kumar Upadhyay	31138
16	Sohan Kumar	Shriram Mandal	31138
17	Mandan Kumar	Jai Prakash	31138
18	Bhupendra Singh Kathait	Surendra Singh Kathait	31138
19	Harsh Gupta	Pawan Gupta	29070
20	Rakesh Kumar Thakur	Vikram Thakur	25686
21	Ritesh Singh	Virendra Singh	31138
22	Manish Kumar	Satyendra Prasad	31138
23	Raj Kishor Sah	Sankar Sah	31138

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ANNEXURE – IV

W.P.(C) 7780/2024

S. No.	Name	Father/Husband Name	Designation	Pending Wages in Rs.
Period: - December 2022 to March 2023				
1	Alipt Gupta	Manoj Kumar	Care Taker	60632
2	Nandan Paswan	Umakant Paswan	Care Taker	60632
3	Manish Kumar	Satyendra Prasad	Care Taker	60632
4	Rohit Kumar Ray	Nagedra Ray	CT. Reliver	57424
5	Sarveswari Kumari	Sanjay Thakur	Sweeper	49020
6	Atul Kumar	Nirmal Singh	Care Taker	55809
7	Chandan Kumar	Ramashrey Sah	Care Taker	55809
8	Raju Singh	Raj Karan Singh	Care Taker	55809
9	Shivam Singh	-	CT. Reliver	52638
10	Shambhu Mukhiya	Siyaram Mukhiya	Sweeper	45122
11	Sachin Yadav	Bhoora Yadav	Care Taker	55809
12	Ashish Singh	Jay Karan Singh	Care Taker	55809
13	Sohan	Sriram Mandal	Care Taker	55809
14	Mahesh Kumar	Brijlal	Care Taker	60632
15	Arvind Yadav	Dharm Singh	Care Taker	60632
16	Radhey Krishna	Jay Narayan Singh	Care Taker	60632
17	Bhupendra Singh Kathait	Surendra Singh Kathait	CT. Reliver	57424
18	Satyam Singh	Munnu Singh	Care Taker	60632
19	Ritik Yadav	Birendra Singh	Care Taker	60632
20	Jai Prakash	Sipahi Thakur	Sweeper	49020
21	Brajesh Paswan	Nandu Paswan	Care Taker	60632
22	Sushant Kumar	Vipin Kumar	Care Taker	60632
23	Ankit Kumar	Ashok Kumar	Care Taker	60632
24	Ranjeet Tiwari	Birendra Tiwari	CT. Reliver	57424
25	Dimpal	Deepak Gupta	Sweeper	49020
26	Rajanish Kumar Upadhyay	Late Ramkumar Upadhyay	Care Taker	60632
27	Mandan Kumar	Jai Prakash	Care Taker	60632
28	Manoranjan Kumar Upadhyay	Shiv Kumar Upadhyay	Care Taker	60632
29	Pavan Kumar Singh	Santosh Kumar Singh	Care Taker	60632
30	Ramesh Singh	Dharmal Singh	Care Taker	60632
31	Rituraj Pandey	Satinder Kumar Pandey	Care Taker	60632
32	Abhinav	Anand Prakash Singh	Care Taker	60632

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33	Uttam Singh	Mahendra Pal	Care Taker	60632
34	Salman	Mohd. Islam	Care Taker	60632
35	Sachin	Bhoora Yadav	CT. Reliver	57424
36	Saraswati	Tarak Lal	Sweeper	49020
37	Deepak Singh	Akbal Singh	Care Taker	60632
38	Vikas Singh	Ramesh Chandar	Care Taker	60632
39	Ravi Kumar	Singh	Care Taker	60632
40	Bharat	Pal Singh	Care Taker	55809
41	Vikash	Hawaladar Singh	Care Taker	55809
42	Jagdish	Ram Bahadur	Care Taker	55809
43	Shubham Kumar	Late Vipin Kumar	Care Taker	26319
44	Suman	Rajender Kishore	CT. Reliver	22561

6. The conclusion of the Labour Commissioner passing the order under Delhi Shops and Establishment Act, 1954 reads as under:

7. Therefore, in view of the above, it is held that the workmen/claimants as per Annexure-I, Annexure -II, Annexure -III & Annexure -IV are entitled to receive the amount as mentioned in their respective Annexures on account of payment of earned wages from Respondent No. 1 i.e., M/s Delhi Urban Shelter Improvement Board (DUSIB) for the period as claimed in their respective Annexures. Further, in exercise of powers conferred upon this authority by Sub-Section 3 of Section 21 of the Act, Respondent No. 2 i.e., M/s Prayas JAC Society is hereby directed to pay the workmen/ claimants the penalty/compensation of Rs. 100/- for each workmen/ claimant listed in all the annexures for not making the payment of due earned wages and withholding the same illegally. The Respondent no.1 shall make the payment of earned wages & Respondent No.2 shall make the penalty /compensation to the claimants within 30 days from the date of this order, under intimation to this Authority failing which proceedings to recover the same shall be initiated as per the provisions of Section 21 of the Act.

Given under my hand and seal on/S..... day of October 2024.

7. Cousnel for *M/s Prayas JAC Society*, therefore, states that they have paid the penaly compensation of Rs. 100/-, to each workman.

8. In the light of the categorical findings and directions by the Labour Commissioner, it shocks the conscience of this Court, that DUSIB has, instead of coming forth and paying these workers forthwith, has sought to deflect the situation to *M/s Prayas JAC Society*.



9. In light of this, the Court directs that there shall be complete compliance of these payments, to all the workers, within the next two weeks, failing which, the CEO of DUSIB, respondent no.1/contemnor No.1, shall be present in Court, to show cause as to why they should not be held liable for contempt and sentenced.

10. Compliance ought to have been done before the 13th May 2025, in order that the counsel for petitioner is able to confirm the receipt of payments by the workers, and inform the Court.

11. List on 15th May, 2025.

12. In case of non-compliance, even, with respect to one worker, the CEO of DUSIB shall be present in Court to explain their stand.

13. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 25, 2025/RK/kp