

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
CUM LABOUR COURT NO.1 DELHI**

**IN RE SUO MOTO V/s MCD**

**03.07.2025**

Present:

Sh. N.K. Meena, Law Officer, HQ, MCD;  
Sh. Arun Kumar & Sh. Rohit Bhati, Assistant Law Officer, HQ,  
MCD;  
Sh. Sandeep Bhardwaj, ALWO alongwith Ms. Tajinder Viridi,  
Standing Counsel;  
Sh. Rajeev Bhardwaj, Sh. Harbans Kaushal, Sh. Devendra Kumar  
Gahtori, Sh. Arvind Kumar, Sh. Deepesh Verma, Sh. Naveen  
Kumar & Sh. G.S. Charya, A/Rs for MCD.

Sh. Sanjoy Ghosh, Sh. Siddharth Sapra, Sh. Abhishek R.  
Bhardwaj, A/Rs for the Claimants (Municipal Employees Union).

Ms. Tajinder Viridi, Ld. Standing counsel, present before the tribunal, has submitted that workmen have not been appearing for resolution of their disputes before the help-desk set up by the MCD in pursuance of the order dated 05.03.2025 passed by this tribunal. She has also moved an application for bringing on record/updating the action taken in compliance with the aforesaid order. According to her, the MCD, in compliance with the directions, created help-desks in all twelve zones of the MCD. However, the workmen have not approached these help-desks for redressal of their alleged grievances in respect of their dues. It is further contended that the Corporation is unable to process the payments in one go because of financial constraints, which is approximately hundreds of crores. She has prayed that the Commissioner, MCD, be exempted from personal appearance and the workmen be directed to approach help-desk for assistance.

Record perused. Keeping in view of the fact that 7036 cases are pending **under Section 33-C(2) of the Industrial Disputes Act, 1947 (Hereinafter referred to as 'the Act')** for calculation of dues against the

management of MCD, this tribunal had issued the notice to the Commissioner, MCD, directing his appearance and apprise the Tribunal of the steps taken to resolve these issues regarding the payments dues to the workmen. This factor was also considered while issuing notice to the commissioner that MCD in some of the cases had admitted dues of the workmen, whereas in others, the MCD had filed applications for setting aside the ex-parte orders passed against them on the ground that excess payment had been ordered.

On 05.03.2025, a number of officials had appeared on behalf of the Commissioner, MCD. This tribunal had directed Commissioner, MCD to create help-desks in all twelve zones to sort out issues of the workmen. It was also directed that help-desks shall be supervised not below the rank of Assistant Commissioner, MCD. After calculating the amount, the same was to be sent before this tribunal under the signatures of Deputy Commissioner of the concerned zone. Out of 7000 pending cases, MCD had identified 4372 applications in which necessary actions were issued for calculation of dues. While passing the order, this Tribunal had also taken into consideration that if the dues of the workmen are genuinely payable, they should not be forced to go into litigation. If the workmen are entitled, they must be paid their full dues without any cut like lawyers' fees etc. Even the respondent i.e. MCD herein will save the money which he has to incur for contesting the litigation by appointing the lawyers etc.

In between, a new development has taken place. Instead of cooperating, the Municipal Employees Union and Anr. filed a writ petition bearing no. **W.P. (C) 4491/2025** along with **C.M. Appli. 20758/2025** assailing the orders passed by this tribunal on 11.02.2025 and 05.03.2025 in *Re. Suo Moto vs. MCD*. The Hon'ble Justice Tara Vitasta Ganju of Delhi High Court observed that the power to adjudicate the claims rest only with the judicial authority. Hence, the direction passed by this Tribunal for calculation of the dues and their submission to this Tribunal under the signature of the Deputy Commissioner of the concerned Zone was set aside. However, the direction for creation of help-desks was upheld.

The directions given in the order dated 05.03.2025 by this Tribunal were passed in view of the facts, features and prayers in the applications,

the applicability of the provisions of Section 33C(2) to the situation and settled law laid down in (a) *Bombay Chemicals India Vs Deputy Labour Commissioner Civil Appeal No. 813/2022 dated 04.02.2022*, (b) *Union of India Vs Kankuben (dead through LRs) 2006 9 SCC 292* and (c) *MCD Vs Ganesh Razak 1995 SCC 215* where it was held that when an employee is entitled to receive from the employer any money or benefit capable of being computed in money but denied by the employer, the employee can approach the court under section 33-C(2) for calculation of pre-existing benefits. Considering the large number of applications, the common issue of calculations of dues can be resolved efficiently within the constraint of resources, energy and time by invoking sub-section 33-C (3) of the Act, 1947 (for appointment of Commissioner), read with Rule 63 of the Industrial Disputes (Central) Rules, 1957 being a fit case to appoint Commissioner for computing the amount due and/or money value of benefit in respect of such applications. However, this Tribunal had envisaged a procedure by directing the MCD to create the help-desks for arriving at mutually agreed amounts.

The intention of this tribunal was never to vest judicial powers to the Executive. Even if any dispute remains in regard to the calculation of their dues, the claimants may raise objections, and this tribunal is competent to appoint a Commissioner by invoking section 33 C (3) of the Act, read with rule 63 of the Industrial Disputes (Central) rules, 1957, who is well versed in accounting procedures and calculation of pay and dues.

In these circumstances, MCD is directed to place on record the progress of all existing cases pending for calculation of dues and also to frame a policy specifying to whom the amount has to be paid first, in view of the crunch of the resources as pleaded by the management. Put up for 26.08.2025.

(Presiding Officer)  
03.07.2025