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

+ W.P.(C) 6540/2014

SURESH KUMAR

.....Petitioner

Through: Ms. Sonia A Menon, Ms. Varsha,
Adv.

versus

M/S. HOTEL SIDHARTH

.....Respondent

Through: Mr. Raj Birbal, Sr. Adv. with Ms.
Raavi Birbal, Adv.

CORAM:

HON'BLE MS. JUSTICE SHAIL JAIN

ORDER

18.05.2026

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CM APPL. 37735/2016

1. The present application moved under Section 17B of the Industrial Disputes Act, 1947 (*hereinafter referred as ID Act*) on behalf of the Petitioner/workman is reflected as pending. However, learned counsel for the Respondent submits that the present application is not maintainable as no award directing reinstatement has been passed by the learned Labour Court.

2. The provisions of Section 17B of the ID Act, read as under:

17B. Payment of full wages to workman pending proceedings in higher courts.—

Where in any case, a Labour Court, Tribunal or National Tribunal by its award directs reinstatement of any workman and the employer prefers any proceedings against such award in a High Court or the Supreme Court, the employer shall be liable to pay such workman, during the period of pendency of such proceedings in the High Court or the Supreme Court, full wages last drawn by him, inclusive of any



maintenance allowance admissible to him under any rule if the workman had not been employed in any establishment during such period and an affidavit by such workman had been filed to that effect in such Court: Provided that where it is proved to the satisfaction of the High Court or the Supreme Court that such workman had been employed and had been receiving adequate remuneration during any such period or part thereof, the Court shall order that no wages shall be payable under this section for such period or part, as the case may be.]

3. A perusal of Section 17B of the ID Act, 1947 makes it clear that the said provision is applicable only in cases where an award directing reinstatement of the workman has been passed by the Labour Court and the same has been challenged by the Management before the High Court or the Supreme Court.

4. In the present case, no order of reinstatement has been passed by the learned Labour Court. Rather, the Labour Court has awarded lump sum compensation of Rs.1,00,000/- to the workman in lieu of reinstatement and consequential benefits. Therefore, the provisions of Section 17B of the ID Act, 1947 are not attracted to the facts of the present case.

5. Accordingly, the present application stands dismissed.

CM APPL. 33497/2026

6. The present application has been filed under Section 5 of the Limitation Act, 1963 read with Section 151 of the Code of Civil Procedure, 1908 seeking condonation of delay of 82 days in filing the written submissions on behalf of the Petitioner.

7. For the reasons stated in the application, and the same being found sufficient, the delay of 82 days in filing the written submissions on behalf of the Petitioner is condoned. The written submissions are taken on record.



8. Accordingly, the present application stands disposed of.

W.P.(C) 6540/2014

9. Learned arguing counsel for the Petitioner is not available today, hence, adjourned for arguments on 29th September, 2026.

SHAIL JAIN, J

MAY 18, 2026

Pallavi/RM