

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

+ **W.P.(C.) No. 11172/2009**

% **Date of Decision: 26<sup>th</sup> August, 2009**

# SMT. SUNITA LR OF LATE SHRI JASWANT SINGH ..... PETITIONER

! Through: Mr. Anuj Aggarwal, Advocate.

VERSUS

\$ THE ASST. LABOUR COMMISSIONER, GOVT. OF N.C.T. OF DELHI &  
ANOTHER

.....RESPONDENTS

^ Through: Ms. Saroj Bidawat, Advocate.

**CORAM:**

**Hon'ble MR. JUSTICE S.N. AGGARWAL**

1. Whether reporters of Local paper may be allowed to see the judgment? **NO**
2. To be referred to the reporter or not? **NO**
3. Whether the judgment should be reported in the Digest? **NO**

**S.N.AGGARWAL, J (ORAL)**

The petitioner had applied for her compassionate appointment in MCD on 24.08.2002 after the death of her husband on 10.06.2002. The Court below in its impugned award has held that the petitioner is not covered by the definition of 'workman' within the meaning of Section 2(s) of the Industrial Disputes Act, 1947, as there was no relationship of employer and employee between the parties. Despite that, the Court below vide its impugned award has directed the respondent to consider the application dated 24.08.2002 of the petitioner for her compassionate appointment and convey a reasoned order to the petitioner within one month by publication of the award.

2. The grievance of the petitioner in this writ petition is that the

respondent has not passed any order on her application for compassionate appointment despite directions of the Industrial Tribunal contained in the impugned award.

3. Ms. Saroj Bidawat accepts notice of this petition on behalf of the respondent. She has also been heard in the matter.

4. Having regard to the peculiar facts and circumstances of this case, this writ petition is disposed of with directions to the respondent to examine the request of the petitioner for her compassionate appointment in accordance with the admissible rules and communicate its decision to her within a period of six weeks from today by a speaking order.

**AUGUST 26, 2009**  
'bsr'

**S.N.AGGARWAL, J**