



2026:DHC:1037



\* IN THE HIGH COURT OF DELHI AT NEW DELHI

*Reserved on: 17.11.2025*  
*Pronounced on: 09.02.2026*

+ W.P.(C) 163/2017, CM APPLs. 768/2017, 27186/2017

LIFE INSURANCE CORPORATION OF INDIA .....Petitioner

Through: Mr. Atul K. Bandhu, Ms.  
Kusum, Advs.

versus

G.K. NIJHAWAN .....Respondent

Through: Mr. Lakshay Sawhney, Adv.

**CORAM:**

**HON'BLE MS. JUSTICE RENU BHATNAGAR**

**RENU BHATNAGAR, J.**

**CM APPL. 27794/2024**

1. The present application has been filed by the petitioner under Section 151 of the Code of Civil Procedure, 1908 read with Section 17(B) of the Industrial Disputes Act, 1947 (hereinafter 'ID Act'), seeking modification of the order dated 17.11.2017 passed by this Court in W.P. (C) No. 163 of 2017, whereby the petitioner was directed to pay to the respondent last drawn wages or minimum wages, whichever is higher, from the date of the award dated 21.06.2016 till the disposal of the writ petition.



2. Before advertiring to the present application, this Court deems it appropriate to first lay down the facts for adjudication.

3. The respondent was appointed with the Petitioner company in June, 1984 as a Typist. At the relevant time, he was working as a Higher Grade Assistant (HGA) and was posted at a branch of the Delhi Divisional Office of the petitioner.

4. The respondent raised an industrial dispute under Section 2A(2) of the Industrial Tribunals Act, 1947, which was registered as ID No. 80/2012 before the Central Government Industrial Tribunal-cum-Labour Court No.1, Karkardooma Courts, Delhi (hereinafter 'Tribunal') against the domestic enquiry conducted and decided against him on the charges alleging repeated defiance of office instructions, insubordination and refusal to perform duties assigned to him, including refusal to process revival and change of mode under specified policy numbers and failure to perform duties under the Salary Saving Scheme pursuant to office orders dated 04.02.2010 and 29.04.2010.

5. Upon appreciation of the evidence adduced after the enquiry was held to be invalid, the Tribunal passed an Award dated 21.06.2016 holding that the charges were not proved and directed reinstatement of the respondent with full back wages and consequential benefits.

6. Aggrieved by the Award dated 21.06.2016, the petitioner filed W.P.(C) No. 163 of 2017 before this Court. The Award was not



implemented, and the respondent was not reinstated during the pendency of the writ petition. During the pendency of the writ petition, the respondent moved an application under Section 17(B) of the Industrial Disputes Act seeking payment of last drawn wages from the date of the Award.

7. By order dated 17.11.2017 passed by this Court, the petitioner was directed to pay to the respondent last drawn wages or minimum wages, whichever was higher, from the date of the Award till the disposal of the writ petition. The petitioner was also directed to clear arrears within six weeks, failing which interest at the rate of 9% per annum was payable, and to pay litigation expenses of Rs. 11,000/-. The monthly amount was directed to be paid on or before the 7th day of every month.

8. The petitioner has stated that in compliance with the order dated 17.11.2017, all arrears, litigation expenses, and monthly payments were made to the respondent up to 07.04.2024.

9. Learned counsel appearing on behalf of the petitioner submits that the order dated 17.11.2017 directing payment of last drawn wages under Section 17(B) of the Industrial Disputes Act was passed during the pendency of the writ petition and was operative only so long as the respondent continued to be entitled to remain in service of the petitioner.

10. It is submitted that the respondent completed the age of 60 years on 11.04.2024. In terms of the Life Insurance Corporation of



India (Regulation of Superannuation) Rules, 1987, an employee is required to retire with effect from the afternoon of the last day of the month in which he attains the age of 60 years. Upon completion of the age of superannuation, the respondent ceased to be an employee/workman of the petitioner. He has annexed True Copy of the Notification dated 15.05.1987 under Life Insurance Corporation of India (Regulation of Superannuation) Rules, 1987 as Annexure P-2 with the present application. The relevant portion of the notification is reproduced herein below:

*“3. Superannuation and Retirement: For the purposes of Rule 19 of the Staff Rules and Rule 2 of the Life Insurance Corporation of India Class-III and Class- IV Employees (Superannuation and Retirement) Rules, 1983, where an employee is to retire on completion of 58 years or 60 years of age, he shall retire with effect from the afternoon of the last day of the month in which he so completes the age of 58 years or 60 years.”*

11. Learned counsel for the petitioner relies on the decision of the Division Bench of this Court in ***Delhi Transport Corporation v. Ramesh Chander***, 2012 SCC OnLine Del 2760, to submit that the benefit under Section 17(B) of the ID Act cannot extend beyond the age of superannuation. It is further submitted that this Court, while referring to ***DTC v. Yashpal*** (LPA No. 256/2008), held that once a workman has attained the age of superannuation and is no longer in service, no relief under Section 17(B) can be granted thereafter, even if the award is passed subsequently.



12. Learned counsel for the petitioner places reliance on the judgment of a Coordinate Bench of this Court in **D.T.C. v. Prem Singh**, 2014 SCC OnLine Del 4540, to submit that the obligation to pay wages under Section 17(B) of the ID Act is inseparably linked to an existing employer-employee relationship and cannot extend beyond the date of superannuation. It is further submitted that this Court has held that wages under Section 17(B) are payable only so long as the workman would otherwise be entitled to remain in service, and that continuation of such payments beyond superannuation would result in an anomalous situation by fastening liability on an employer even after the employment relationship has come to an end.

13. Learned counsel for the petitioner further places reliance on the decision of the Gujarat High Court in **Essar Project Ltd. v. N.D. Jagdishwara**, 2012 SCC OnLine Guj 357, to submit that the entitlement to wages under Section 17(B) of the Industrial Disputes Act extends only so far as the workman's right to continue in service. The Court held that Section 17(B) must be interpreted reasonably and in the context of reinstatement, which presupposes a subsisting employment relationship, and that once a workman attains the age of superannuation and ceases to be entitled to reinstatement, no liability to pay wages under Section 17(B) survives thereafter.

14. On the aforesaid basis, learned counsel submits that continuation of the direction to pay wages beyond the date of superannuation would amount to extending the benefit of Section 17(B) beyond its permissible scope. It is therefore prayed that the



order dated 17.11.2017 be modified to the extent that the respondent shall not be entitled to receive any amount from the petitioner after attaining the age of superannuation.

15. *Per Contra*, learned counsel for the non-applicant/respondent opposes the present application and submits that the same deserves to be dismissed being devoid of merits.

16. It is submitted that the petitioner accepted the position arising from the order dated 17.11.2017 and did not challenge the same, which continues to operate during the pendency of the writ petition. It is submitted that the writ petition is still pending and therefore, the management cannot evade its liability by discontinuing the payment of salary/wages till the final disposal of the writ petition.

17. Learned counsel for the respondent reiterates that the respondent continues to remain unemployed. It is submitted that had the inquiry not been conducted or had the award of the learned Tribunal been implemented in its entirety, the respondent would have received all consequential benefits, including retiral dues, at the time of retirement. It is submitted that continued non-payment of wages has rendered the respondent financially distressed and unable to sustain himself.

18. Reliance is placed on ***Management of Centaur Hotel v. P.S. Mohan Nair***, 2011 SCC OnLine Del 1861, wherein it was held that Section 17(B) of the ID Act was enacted to offset the hardship caused to a workman due to the non-implementation of an award of



reinstatement during prolonged litigation before the High Court or the Supreme Court. It is submitted that the benefit under Section 17(B) is linked to the pendency of proceedings and not to the subsistence of an employer-employee relationship.

19. It is submitted that this Court in *Centaur Hotel* (supra) held that the expression “during the pendency of such proceedings” has been used by the legislature in terms of widest amplitude and cannot be restricted by reading in a limitation up to the age of superannuation. It was further held that the word “wages” in Section 17(B) is used only as a measure for quantifying the amount payable and that the provision operates as a form of subsistence allowance, which cannot be denied merely because the workman has superannuated.

20. In view of the aforesaid submissions, learned counsel for the respondent prays that the present application be dismissed and the petitioner be directed to release the amounts payable in terms of the order dated 17.11.2017, which have been withheld and to continue making such payments regularly till the final disposal of the writ petition.

21. Heard learned counsel for the parties and perused the material on record.

22. The short question which arises for consideration in the present application is whether the respondent is entitled to continue receiving wages under Section 17(B) of the ID Act after attaining the age of superannuation during the pendency of the writ petition.



23. Learned counsel for the respondent has relied upon the decision of this Court in *Centaur Hotel* (supra), however, the view expressed in that decision has not been consistently followed by this Court. Subsequent decisions, including those rendered by Division Bench, have taken a different view of the scope of Section 17(B) of the ID Act, particularly regarding superannuation.

24. In *Ramesh Chander* (supra), the Division Bench of this Court held that the benefit of under Section 17(B) is available to a workman only till the age of superannuation and not thereafter. It was held that although an award of reinstatement results in the workman being deemed to be in service during the pendency of proceedings, such deemed continuance cannot extend beyond the period during which the workman would otherwise be entitled to remain in service under the applicable service conditions. The relevant portion of the *Ramesh Chander* (supra) is reproduced herein:

“(15) Another Division Bench decision dated 23.9.2008 in LPA 256/2008 titled *DTC v. Yashpal, ex driver*, was pressed by the learned counsel for the DTC. That was a case under Section 17B of the I.D. Act. The Court held that the said workman had attained the age of 55 years on 19th July, 2003 and no relief under Section 17 B of the I.D. Act could be granted to him beyond that date. Interestingly, in that case Award was passed on 6.10.2004 whereas before passing of the said Award the workman had attained the age of 55 years on 19th July, 2002 as the Award came to be passed later, the question of him being medically examined on 19.7.2003 did not arise in as much as on that date he was out of service and the case was still pending before



*the Labour Court. Moreover, he was asked to appear before the Medical Board sometime in March, 2008 and on 21.3.2008 he was held to be unfit for duty. It was in these circumstances, while denying the benefit of Section 17 B of the Act the court observed that he can avail his remedy by institution of appropriate proceeding. As is clear from the following: "5. The fact of the matter is that as on the date of Award, i.e. 6th October, 2004, the respondent was no longer in service. He had superannuated on 19th July, 2003. While it is open to the respondent to institute appropriate proceedings questioning the decision of the DTC dated 21st March, 2008 not to continue him in service, it is clear that no relief could have been granted to the respondent under Section 17B ID Act.*

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*(17) To sum up, the workmen in these appeals shall be entitled to the benefit of Section 17B of the I.D. Act till they attained the age of 58 years. The benefit of Section 17B orders passed in their cases shall be extended to them up to that date."*

*The same position has been reiterated in Prem Singh (supra), wherein this Court held the obligation to pay "full wages last drawn" under Section 17(B) is essentially linked to a subsisting employer-employee relationship and that continuation of such payment beyond superannuation would result in fastening liability on an employer even after the cessation of service. The relevant portion of D.T.C. v. Prem Singh, 2014 SCC OnLine Del 4540 is reproduced hereinbelow:*

*"13. It is important to note that it is always open for an employer to implement the award by reinstating the workman and yet continue with his challenge to the award rendered by a Labour Court. If the argument of the workman is accepted, it would mean that even in cases where an employer has challenged the award and yet has reinstated the employee during the*



*interregnum, he would, nonetheless, be obliged to pay the last drawn wages beyond the period of superannuation. This clearly would lead to an absurd situation that could have never been intended by the Legislature.*

*14. The reference to the obligation of the employer to pay "full wages last drawn" is clearly relatable to the relationship of an employer and an employee and is a direct consequence of the award which reinstates an employee in the service of an employer. Section 17B of the Act ensures that at least the last drawn wages and allowances are paid to the employee who has prevailed before the Labour Court and - as has been held by the Supreme Court in various decisions including Ch. Saraiyah v. Executive Engineer, Panchayat Raj Deptt. : (1999) 9 SCC 229 - the Courts would have no jurisdiction to direct non-compliance of provisions of Section 17B of the Act, if the conditions therein are satisfied. Given the scheme of the statute, it would not be possible to accept that an employer would be liable to pay the wages even beyond the date of superannuation. This is so, because it would amount to imposing a liability on a employer to pay wages even in cases where, admittedly, the relations of an employer and employee has come to an end. The award passed by a Labour Court, reinstating a workman in the services of the employer, would work itself out in so far as the relationship of an employer and employee is concerned, with the superannuation of the workman from the services of the employer. The provisions of said Section 17B cannot be read outside the context of an employer and employee relationship.*

*15. In Hind Rectifiers (supra), the Bombay High Court had referred to a decision of the Madras High Court in Vardharajan Textile (P) Ltd. v. Labour Court, wherein it had been held that the word "wages" was relatable to an employment and once the employment came to an end with superannuation of the employee,*



*the question of any payment under Section 17B of the Act did not arise.*

16. *I respectfully disagree with the reasoning as contained in the reasoning as contained in Management of Centaur Hotel (supra) and espoused by the learned counsel for the workmen. The language of Section 17B of the Act is, undoubtedly, in wide terms yet the amplitude of Section 17B cannot be expanded beyond the sphere of employment. Section 17B of the Act operates within the width of an employee and employer relationship. Once the said relationship comes to an end, Section 17B of the Act would have no application. Concededly, the decision of this Court in Management of Centaur Hotel (supra) cannot be considered as a precedent as the same was set aside by a Division bench of this Court by an order dated 26.09.2011 in LPA No. 665/2011.*

17. *The contention canvassed by the applicant that restricting the scope of Section 17B of the Act only till the date of superannuation of an employee would amount to adding words in the statute that are impermissible, also cannot be accepted. It is well settled that in interpreting a provision, the Court would read words in a statute, which are necessary to give effect to the language of the statute. It is well settled that it is permissible to supply words to a statute where in absence of the same the existing language would be deprived of its meaning. If the words 'till the date of superannuation' are not read in the language of Section 17B of the Act, which obliges an employer to pay wages would be deprived of its meaning. As discussed earlier, wages is an aspect of employment. To read that wages would be payable, de hors the contract of employment would militate against the language of Section 17B of the Act.*

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21. *I am also unable to agree that the decision of a Division Bench of this Court in Ramesh Chand (supra) would not be a binding*



precedent. The Court had recorded the contention canvassed on behalf of the workman, viz. "that as per the plain language of Section 17B of the Act, the orders passed in such application would enure to the benefit of workman till the pendency of the writ petition irrespective of the fact that an employee had attained the age of superannuation in the meantime and therefore, as to what was the age of retirement would be of no significance." Apparently, this contention was rejected as it was held that "workmen in these appeals shall be entitled to the benefit of Section 17B of the I.D Act till they attained the age of 58 years. The benefit of Section 17B orders passed in their cases shall be extended to them up to that date". In Press Trust of India (*supra*), a Division Bench of this Court had followed the decision in *Ramesh Chand* (*supra*) and ordered as under : -

"1. In the decision dated May 11, 2012, disposing of a batch of appeals, lead matter being LPA No. 89/2012 DTC v. *Ramesh Chand*, a co-ordinate Division Bench of this Court held that pending disposal of a writ petition filed by the Management, the workman can be granted benefit of wages as per Section 17(b) of the I.D. Act 1947 only up to the age of superannuation and not beyond.

2. Nothing therefore needs to be decided by us compelling us to follow the law declared in the said decision since nothing has been brought out before us today to take a different view.

3. The appeal stands disposed of declaring that the benefit of the impugned order dated May 15, 2012 shall enure to the benefit of the respondent till she would have superannuated had she been in service and no more"



22. *In my view, the decisions in Ramesh Chand (supra) and Press Trust of India are binding.”.*

25. The aforesaid view also finds support from the decision of the Gujarat High Court in ***Essar Projects*** (supra), wherein the Court examined the precise question whether wages under Section 17(B) of the ID Act are payable even after a workman attains the age of superannuation during the pendency of proceedings challenging an award of reinstatement.

26. The Gujarat High Court held that the entitlement under Section 17(B) is confined to the period during which the workman is entitled to continue in service and that once the workman ceases to be entitled to reinstatement on account of superannuation, no liability to pay wages under Section 17(B) survives thereafter. The relevant portion of ***Essar Projects*** (supra) is reproduced herein:

*“21. Therefore, on bare reading of Section 17B of the ID Act and considering the Rule of Interpretation, it is to be held that workman shall be entitled to wages under Section 17B of the ID Act during the pendency of the proceedings in the High Court or the Supreme Court till he is entitled to be continued in service and/or reinstatement in service i.e. till the workman attains the age of superannuation.*

*22. As stated herein above, only in a case where the Labour Court and/or the Tribunal by its award has directed reinstatement of any workman and the employer prefers any proceedings against such award of reinstatement in the High Court or the Supreme Court, the employer is liable to pay such workman the wages last drawn by him.*



*Therefore, the reinstatement in service has direct nexus with the payment of service under Section 17B of the ID Act. As stated herein above, the workman shall be reinstated in service only if he is entitled to be continued in service and not for the period thereafter. Therefore, if for any reason either on attaining the age of superannuation, the workman is not entitled to be continued in service and thereby not entitled to be reinstated in service, he is not entitled to wages under Section 17B of the ID Act. When a pointed question was asked to the learned Advocate appearing for opponent that if before few days of judgment and award passed by the Labour Court, if the workman had attained the age of superannuation, what would be the position as the Labour Court would not be in a position to pass an order of reinstatement and therefore, merely because the workman has attained the age of superannuation only after few days of passing the judgment and award and at the relevant time when the judgment and award was declared the workman has not attained the age of superannuation and therefore, the Labour Court has passed an order of reinstatement, whether in such a situation still the workman would be entitled to wages under Section 17B of the ID Act for number of years and during the pendency of the proceedings before the High Court or the Supreme Court, despite the fact that he has attained the age of superannuation? To the said query, learned Advocate appearing on behalf of the opponent has submitted that in a case where the workman has attained the age of superannuation before the award is declared by the Labour Court or Tribunal, in such a case the Industrial Adjudicator would not be in a position to pass the order of reinstatement and therefore, Section 17B of the ID Act would not be applicable. Under the circumstances, in such a situation if the contention on behalf of the workman that despite the workman has attained the age of superannuation, he shall be*



*entitled to wages under Section 17B of the ID Act during the pendency of the proceedings before the High Court or the Supreme Court is accepted and Section 17B of the ID Act is interpreted in such a manner, it would be unreasonable and therefore, Section 17B of the ID Act has to be read reasonably and construing so it is held that a workman shall be entitled to wages under Section 17B of the ID Act till he is entitled to be continued in service, may be either on attaining the age of superannuation or otherwise.*

*23. The view which is being taken by this Court is supported by the decision of the Calcutta High Court in the case of I.C.I. India Limited (Supra) and the decision of the Bombay High Court in the case of Hind Rectifiers Ltd. (Supra). The Calcutta High Court and Bombay High Court in the aforesaid decisions have clearly held that an employee shall be entitled to receive 17B wages only till he attains the age of superannuation. The Bombay High Court in the case of Hind Rectifiers Ltd. (Supra) has held that it is difficult to imagine the situation where an employee who has superannuated would also be entitled to receive Section 17B wages even beyond the age of superannuation. It is observed by the Bombay High Court in the aforesaid decision that the intent of the statute incorporating provision of Section 17B was that the employee should not suffer any hardship where the employer has taken recourse to file proceedings in the High Court or the Supreme Court and obtain the stay of award of reinstatement passed in the employee's favour. It is further observed by the Bombay High Court in the said decision that basic right of the employee is to continue in service till the age of superannuation only and not beyond that. It is further observed by the Bombay High Court that therefore, the provision of Section 17B are subject to period of employment and do not cross the limit laid down in the conditions of service and*



*therefore, the employee cannot claim anything which he cannot get under the terms of employment and thus right of the employee under Section 17B of the ID Act is subject to the basic rights which the employee enjoys under the conditions of service i.e. till the age of superannuation. The Bombay High Court has, while holding so, has assigned the reasons that since under Section 17B of the ID Act, the employee is entitled to receive his full wages last drawn by him; that means "he is entitled to wages" and nothing more than which is entitled only till the age of superannuation.*

*24. The Calcutta High Court in the case of I.C.I. India Limited (Supra) has also held that the payment of wages to a workman under Section 17B of the ID Act during the pendency of the proceedings in higher Courts could not be directed to be paid to workman who has reached the age of superannuation."*

27. The consistent view which emerges from the aforesaid decisions is that Section 17(B) operates in the context of reinstatement and presupposes an entitlement to continue in service. Once a workman attains the age of superannuation and ceases to be entitled to reinstatement, the statutory obligation under Section 17(B) does not survive beyond that point.

28. Applying the aforesaid legal position to the facts of the present case, it is not in dispute that the respondent has attained the age of superannuation. The order dated 17.11.2017 directing payment under Section 17(B) was passed during the pendency of the writ petition and operated till the respondent remained within the permissible service time period. Continuation of payment beyond the date of



superannuation would, however, be contrary to the settled legal position as noticed hereinabove.

29. The submission advanced on behalf of the respondent regarding financial hardship and continued unemployment has been duly considered. While the Court is not unmindful of the hardship pleaded, the entitlement under Section 17(B) is statutory in nature and must be governed by the parameters laid down by binding precedents. Considerations of hardship, howsoever compelling, cannot extend the operation of Section 17(B) beyond what the law permits.

30. In view of the aforesaid discussion and the settled legal position, the present application is allowed to the limited extent that the Order dated 17.11.2017 passed by this Court under Section 17(B) of the ID Act shall operate only till the date on which the respondent attained the age of superannuation.

31. It is not in dispute that the respondent attained the age of superannuation on 11.04.2024 and that the petitioner-management has made payments in compliance with the order dated 17.11.2017 up to 07.04.2024.

32. It is held that the petitioner-management remains liable to make payment under Section 17(B) of the ID Act up to 30.04.2024, being the month in which the respondent superannuated, in accordance with the applicable service rules.

33. The petitioner-management is accordingly directed to release



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the differential amount payable to the respondent for the aforesaid period within a period of four weeks from the date of this Order. No payment shall be payable to the respondent under Section 17(B) of the ID Act beyond 30.04.2024.

34. The present application stands disposed of in the above said terms. List W.P.(C) 163/2017 before the *Regular Roster Bench* on 23<sup>rd</sup> February, 2026.

**RENU BHATNAGAR, J**

**FEBRUARY 9, 2026**

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