

CS No. 456/21, 379/21

16.03.2023

Present: Sh. K. Gangadharan and Sh. Manjeet Kapil, Advocates for plaintiff.
Ms. Raavi Birbal and Ms. Cauveri Birbal, Advocates for defendant.

Arguments have been partly addressed on the application under Order VII Rule 11 CPC moved on behalf of applicant/defendant.

During the course of arguments, Ld. Counsel for the plaintiff has invited my attention to the resolution passed by the General Committee of the defendant dated 03.02.2016 whereby it was resolved that members shall be contributing Rs.100/- towards General Welfare of the employees, who would be retiring after long service. It is urged that subject to confirmation, the said resolution was not fully implemented and the contribution made by the members, if any, had been refunded, as and when it was asked for by the member concerned. Ld. Counsel for defendant has vehemently urged that the suit is barred under Section 33-C(2) of the Industrial Dispute Act. It is clarified that acceptance of contribution from the members was stopped. However, request is made to afford some time to place on record such documents.

Let the relevant documents be filed along with affidavit of AR of the defendant on or before the next date of hearing.

Put up for filing of the documents and for arguments on
18.04.2023.

(Dharmesh Sharma)
Principal District & Sessions Judge
New Delhi/16.03.2023