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

LPA 100/2021 & CM No.9653/2021 (for interim relief)

APPAREL TRAINING AND

DESIGN CENTRE & ANR.

..... Appellants

Through: Mr. Sudhir Nandrajog, Sr. Adv. with
Mr. Anunaya Mehra, Adv.

Versus

ROBIN SHARMA & ANR.

..... Respondents

Through: Ms. Vibha Datta Makhija, Sr. Adv.
with Ms. Tanya Sharma, Adv. for R-1.
Mr. Kuljeet Rawal, Adv. for R-2.

AND

LPA 101/2021 & CM No.9655/2021 (for interim relief)

APPAREL TRAINING AND DESIGN

CENTRE & ANR.

..... Appellants

Through: Mr. Sudhir Nandrajog, Sr. Adv. with
Mr. Anunaya Mehra, Adv.

Versus

POONAM BHARGAVA & ANR.

..... Respondents

Through: Ms. Vibha Datta Makhija, Sr. Adv.
with Ms. Tanya Sharma, Adv. for R-1.
Mr. Kuljeet Rawal, Adv. for R-2.

AND

+ LPA 102/2021 & CM No.9657/2021 (for interim relief)

APPAREL TRAINING AND

DESIGN CENTRE & ANR.

..... Appellants

Through: Mr. Sudhir Nandrajog, Sr. Adv. with
Mr. Anunaya Mehra, Adv.

Versus

CHANDER PRAKASH & ANR.

..... Respondents

Through: Ms. Vibha Datta Makhija, Sr. Adv.
with Ms. Tanya Sharma, Adv. for R-1.
Mr. Kuljeet Rawal, Adv. for R-2.

AND



LPA 103/2021 & CM No.9693/2021 (for interim relief)

APPAREL TRAINING AND

DESIGN CENTRE & ANR.

..... Appellants

Through: Mr. Sudhir Nandrajog, Sr. Adv. with
Mr. Anunaya Mehra, Adv.

versus

VED PRAKASH & ANR.

..... Respondents

Through: Ms. Vibha Datta Makhija, Sr. Adv.
with Ms. Tanya Sharma, Adv. for R-1.
Mr. Kuljeet Rawal, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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23.03.2021

CM No.9652/2021 in LPA No.100/2021, CM No.9654/2021 in LPA No.101/2021, CM No.9656/2021 in LPA No.102/2021 & CM No.9692/2021 in LPA No.103/2021 (all for exemption)

1. Allowed, subject to just exceptions and as per extant rules.
2. The applications are disposed of.

LPA Nos.100/2021, 101/2021, 102/2021 & 103/2021

3. The appeals impugn the common judgment dated 10th February, 2021 in writ petitions preferred by respondents in each appeal holding a writ petition under Article 226 of the Constitution of India to be maintainable against the appellant Apparel Training & Design Centre (ATDC) stated to be a society registered under the Societies Registration Act, 1860 and axiomatically holding termination by the appellant ATDC of the services of the respondents / employees to be illegal and directing reinstatement by the appellant ATDC of the services of the respondents / employees.

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4. The senior counsel for the respondents / employees and the counsel for the respondent no.2 AEPC appear on advance notice.
5. The contention of the senior counsel for the appellant ATDC is that writ proceedings against the appellant ATDC have been held to be maintainable, confusing the appellant ATDC with the respondent no.2 Apparel Export Promotion Council (AEPC), when the two are entirely different.
6. After hearing the counsels, we are of the view that the matter requires consideration especially since it is contended that vide the impugned judgment, the writ proceedings have been held to be maintainable against the appellant ATDC for the first time and that the view of the High Court of Punjab & Haryana at Chandigarh is different.
7. The senior counsel for the respondents / employees controverts.
8. Admit.
9. Notice is accepted by the counsel for the respondents / employees.
10. List for hearing on 29th July, 2021.
11. We have enquired from the senior counsel for the appellant ATDC about the interim relief to be worked out and informed him that we are of the view that for stay of the order of reinstatement of the respondents / employees, the principles as enshrined in Section 17B of the Industrial Disputes Act, 1947 should be invoked and the respondents / employees should be paid, if not last drawn wages, at least subsistence allowance commensurate to what they were drawing earlier.
12. Though the senior counsel for the appellant ATDC has contended that in the event of the respondents / employees succeeding in these appeals



also, they will always be entitled to the entire back wages but considering the time required by this Court for disposal of such matters, it is felt that if in the interregnum, on account of lack of emoluments, the respondents / employees or any of their family members suffer, the said injury would be irreparable.

13. We have also proposed that the appellant ATDC, against payment to the respondents / employees, without prejudice to the rights and contentions of the parties and without creating any rights in favour of the respondents / employees, can avail the services of the respondents / employees for whatsoever work is required at the end of the appellant ATDC, of course commensurate to the earlier position occupied by the respondents / employees.

14. On enquiry, it is informed that the respondents / employees were earlier being paid over Rs.1,00,000/- per month and were paid parting compensation of about Rs.13,00,000/- to Rs.14,00,000/- each.

15. Considering the salary disclosed to having been paid to the respondents / employees every month, it is felt that the compensation stated to have been paid may not provide subsistence to the respondents / employees for long.

16. Thus as part of the grant of the interim stay sought, equities have to be balanced.

17. The senior counsel for the appellant ATDC states that he will obtain instructions.

18. List for the purpose of hearing counsels on interim relief, on 9th April, 2021.



19. The senior counsel for the respondents / employees has fairly stated that till then, the respondents / employees shall not precipitate the contempt proceedings pending before this Court.

RAJIV SAHAI ENDLAW, J

AMIT BANSAL, J

MARCH 23, 2021
‘gsr’..

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