



\$~1 to 4

* **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. Anunaya Mehta, Mr. Nikhil Palli
& Mr. Vinayak Thakur, Advs.

Versus

ROBIN SHARMA & ANR.

..... Respondents

Through: Ms. Vibha Makhija, Sr. Adv. with
Mr. A.P. Dhamija, Mr. Praveen Gaur,
Mr. J.P. Singh & Ms. Tanya Sharma,
Advs. for R-1.

Mr. Kuljeet Rawal & Mr. Rajesh
Rawal, Advs. for R-2.

AND

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

APPAREL TRAINING AND DESIGN

CENTRE & ANR.

..... Appellants

Through: Mr. Anunaya Mehta, Mr. Nikhil Palli
& Mr. Vinayak Thakur, Advs.

Versus

POONAM BHARGAVA & ANR.

..... Respondents

Through: Ms. Vibha Makhija, Sr. Adv. with
Mr. A.P. Dhamija, Mr. Praveen Gaur,
Mr. J.P. Singh & Ms. Tanya Sharma,
Advs. for R-1.

Mr. Kuljeet Rawal & Mr. Rajesh
Rawal, Advs. for R-2.

AND

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

APPAREL TRAINING AND DESIGN

CENTRE & ANR.

..... Appellants

Through: Mr. Anunaya Mehta, Mr. Nikhil Palli
& Mr. Vinayak Thakur, Advs.

Versus

CHANDER PRAKASH & ANR.

..... Respondents

Through: Ms. Vibha Makhija, Sr. Adv. with



Mr. A.P. Dhamija, Mr. Praveen Gaur,
Mr. J.P. Singh & Ms. Tanya Sharma,
Advs. for R-1.

Mr. Kuljeet Rawal & Mr. Rajesh
Rawal, Advs. for R-2.

AND

+ LPA 103/2021 & CM No.9693/2021 (for interim relief)
APPAREL AND TRAINING CENTRE & ANR. Appellant
Through: Mr. Anunaya Mehta, Mr. Nikhil Palli
& Mr. Vinayak Thakur, Advs.

Versus

VED PRAKASH & ANR. Respondents
Through: Ms. Vibha Makhija, Sr. Adv. with
Mr. A.P. Dhamija, Mr. Praveen Gaur,
Mr. J.P. Singh & Ms. Tanya Sharma,
Advs. for R-1.
Mr. Kuljeet Rawal & Mr. Rajesh
Rawal, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

%

09.04.2021

[VIA VIDEO CONFERENCING]

1. We have heard the counsels in pursuance to the order dated 23rd March, 2021 qua the interim relief.
2. The counsel for the appellants employer has at the outset contended that the reasoning which prevailed with the Single Judge in the impugned judgment, is that the appellants employer should have given three months' notice to the respondents No. 1 employees in terms of the Service Rules instead of one month's notice in terms of the appointment letter. It is suggested that the appellants, as an interim measure, can be directed to pay the remaining two months' emoluments to the respondents No. 1 employees.



3. We have however enquired from the counsel for the appellants employer, that in the light of the finding of the Single Judge, of the appellant No.1 Apparel Training & Design Centre being 'State' within the meaning of Article 12 of the Constitution of India, whether the State is entitled to indulge in hire and fire. We, immediately are unable to recollect any such contract or Rule having been entered into / framed by the State.

4. However we refrain from discussing this any further, reserving the same for final hearing.

5. The counsel for the appellants employer then, without prejudice to the rights and contentions of the appellants employer, states that the appellants employer is willing to, as an interim measure and without taking any work from the respondents No. 1 employees, pay one-third of the last drawn emoluments to each of the respondents No. 1 employees. It is stated that on the said premise, respondent No. 1 in LPA No. 100/2021 Mr. Robin Sharma shall be entitled to Rs.50,892/- per month, respondent No. 1 in LPA No. 101/2021 Ms. Poonam Bhargava shall be entitled to Rs.40,985/- per month, respondent No. 1 in LPA No. 103/2021 Mr. Ved Prakash shall be entitled to Rs.33,075/- per month and respondent No. 1 in LPA No. 102/2021 Mr. Chander Prakash shall be entitled to Rs.14,836/- per month.

6. Though the senior counsel / counsel for the respondents No. 1 employees have contended that the figure should be 50% of the last drawn emoluments but we are of the opinion that for the time being, the figures disclosed as above qua Mr. Robin Sharma, Ms. Poonam Bhargava and Mr. Ved Prakash are enough for subsistence, particularly since we intend to hear the appeals at an early date i.e. on 29th July, 2021.

7. However as far as Mr. Chander Prakash is concerned, we are of the



view that the amount of less than Rs.15,000/-, being one-third of his last drawn emoluments, may not even be enough for subsistence and direct the payment to him at the rate of Rs.25,000/- per month.

8. Accordingly, CM Nos.9653/2021, 9655/2021, 9657/2021 & 9693/2021 of the appellants employer for stay of operation of the judgment impugned in these appeals are disposed of, by staying the operation of the impugned judgment subject to the appellants employer paying the amounts as aforesaid to the respondents No. 1 employees named above, with effect from the month of April, 2021, with the amounts for the month of April, 2021 being payable on or before 15th April, 2021 and the amounts payable with effect from the month of June, 2021 being payable by the 7th day of each succeeding month.

9. Though the counsel for the appellants employer has stated that the appellants employer do not intend to avail of the services of the respondents No. 1 employees in lieu of the payments aforesaid but the senior counsel / counsel for the respondents No. 1 employees state that the respondents No. 1 employees are, against the aforesaid payments, even willing to offer their services without creating any rights in their favour.

10. We are also of the view, that the appellants employer, in lieu of the payments aforesaid, should endeavour to avail of the services of the respondents No. 1 employees, wherever required and it would be good if interaction between the respondents No. 1 employees and the management of the appellants employer continues and we are hopeful that the same may lead to the bitterness going out of the relationship and may increase the possibility of a mutually beneficial, amicable solution. It cannot after all be forgotten that the respondents No. 1 employees are teachers/administrative



staff and there is no reason why their acumen, wherever required by the appellant employer, even if of advisory nature, should not be availed of.

11. We further clarify that if the hearing of the appeal is delayed, both parties shall be entitled to apply for variation.

12. List the appeals, as already scheduled, on 29th July, 2021.

RAJIV SAHAI ENDLAW, J

AMIT BANSAL, J

APRIL 9, 2021

‘gsr’