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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5130/2024
MS ADRIEL HIGH SCHOOL Petitioner
Through: Ms.Swati Surbhi, Advocate
versus
SMT. INDRA GUPTA Respondent
Through: *Nemo.*

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **08.04.2024**

CM APPL. 20978/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CM APPL. 20977/2024 (Exemption)

Subject to the petitioner filing the clear, original and legible/typed copies of any dim documents on which the petitioner may seek to place reliance, within four weeks from today, exemption is granted for the present.

The application is disposed of.

W.P.(C) 5130/2024 & CM APPL. 20979/2024 (Stay)

1. The present petition under Article 226 read with 227 Constitution of India, has been filed on behalf of the petitioner seeking the following reliefs:

“A) Kindly allow the present Writ Petition

B) Kindly issue Writ in the nature of Certiorari or any other appropriate Writ, order or directions for quashing/ setting aside the impugned Award dated 06.11.2023 passed by Miss Monika Saroha, Ld. Presiding Officer, Labour Court No. 2, Rouse Avenue Court Complex, New Delhi in LID No. 83/2020 titled as „Smt. INDRA GUPTA vs M/S Adriel High School”



C) Pass and other orders or further orders, directions which this Hon''ble Court deems fit, necessary and expedient in the interest of justice."

2. It is submitted that the impugned award dated 6th November, 2023 passed by the learned Labour Court is arbitrary and against the settled position of law with regard to the statutory mandate of Section 25-F of the ID Act.
3. It is further submitted that as per the settled position of law, the claimant, i.e., the workman, in the present case must have discharged his burden of proof to establish 240 days of continuous service in the preceding year and since the respondent workman failed to do so, the impugned award suffers from illegality. He further submitted that the balance of convenience lies in favour of the petitioner.
4. Heard and perused the record.
5. Issue notice of the petition and the accompanying application to the respondent through all permissible modes on filing PF within one week.
6. List before the Registrar on 9th August, 2024 for completion of pleadings.
7. In view of the submissions made on behalf of the petitioner, the matter requires consideration, therefore, the operation of the impugned judgment and decree shall be kept in abeyance, till the next date of hearing.

CHANDRA DHARI SINGH, J

APRIL 8, 2024

rk/sv/DA

[Click here to check corrigendum, if any](#)