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

+ W.P.(C) 7355/2019

PAWAN HANS LIMITED

..... Petitioner

Through: Mr Puneet Taneja and Mr Manohar
Singh Narula, Advocates.

versus

NATIONAL COMMISSION FOR SCHEDULED
CASTES AND ORS.

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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10.07.2019

CM No. 30664/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 7355/2019 & CM No.30663/2019

2. The petitioner has filed the present petition, *inter alia*, impugning an order dated 27.05.2019 passed by the National Commission for Scheduled Castes (NCSC) directing the petitioner to regularise the services of respondent no.2. It is the petitioner's case that respondent no.2 was hired on contractual basis and the directions to regularise are contrary to the law and the decision passed by the Supreme Court in *Secretary, State of Karnataka v. Uma Devi & Ors.: 2006 (4) SCC 1*.

3. It is also the petitioner's case that NCSC has no jurisdiction to pass such orders relating to service matters. He relies on the decision of the

Supreme Court in *All India Indian Overseas Bank SC and ST Employees' Welfare Association & Ors. v. Union of India & Ors.*: 1996 (6) SCC 606 and the decision of this court in *Indian Oil Corporation Ltd. v. National Commission for Scheduled Tribes & Anr.*: W.P.(C) 9186/2016, decided on, 09.01.2018.

4. Issue notice. Notice shall go by speed post as well as one of the approved couriers, returnable on 19.08.2019. *Dasti* in addition.
5. Let a counter affidavit be filed within a period of three weeks. Rejoinder, if any, be filed within a period of two weeks, thereafter.
6. In the meanwhile, the impugned order and the proceedings initiated on the complaint filed by respondent no.2 are stayed.
7. Order *dasti* under signature of the Court Master.

VIBHU BAKHRU, J

JULY 10, 2019
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