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

+ **W.P.(C) 11850/2022**

THE GENERAL MANAGER, ASHOK HOTEL, (UNIT OF ITDC)
..... Petitioner

Through: Mr.Anish Chawla and Mr.Neeraj
Kumar, advocates

versus

BRIJ MOHAN AND 17 ORS, THROUGH ASHOK HOTEL
MAZDOOR JANTA UNION Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **23.08.2022**

CM APPL. 35337/2022 (exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 11850/2022 & CM APPL. 35336/2022

The present writ petition has been filed challenging the award dated 05.10.2021 passed by learned Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court-II, New Delhi in I.D.No.83 of 2017 titled *Sh.Brij Mohan vs. The General Manager, Ashok Hotel*.

Learned tribunal in the impugned order has inter alia held that the claimants, who are the members of respondent union, have been working with petitioner since 2005 and there is an employer-employee relationship between the petitioner and the claimants and thus, the claimants are entitled



to be regularised. It has further been directed to the petitioner to frame a scheme of regularisation for the claimants/workmen against the permanent posts according to their eligibility, experience and expertise and grant them equal pay-scale as that of the permanent employees. Learned counsel for the petitioner has submitted that in fact, the workmen are not the employees of the petitioner and have been employed by the independent contractor. It has been submitted that this matter is pending sub-judice in LPA No.199 of 2013. It has been submitted that the issue of framing of policy for regularisation as well as regularisation itself of such employees is sub-judice. Learned counsel submits that the learned tribunal has not quantified the amount and has simply directed to pay the arrears of their salary after regularisation within one month of the said regularisation, failing which the amount accrued in respect of the individual workmen shall be paid with interest @ 9% per annum from the date of publication of the award till actual payment is made. Learned counsel submits that till date, the petitioner establishment has not quantified the amount. Let the amount be quantified.

Issue notice to the respondent through all permissible modes, returnable for 28.11.2022.

The operation of the impugned order only to the extent of regularisation of service is stayed, till the next date of hearing.

DINESH KUMAR SHARMA, J

AUGUST 23, 2022

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