



\$~6

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7738/2024 & CM APPL. 32106/2024 and CM APPL. 32107/2024**

SUSHIL KUMAR

.....Petitioner

Through: Ms. Tanya Rose, Adv. with Ms. Kritika and Mr. Avinash, Adv.

versus

M/S RELIABLE AIR CONDITIONING ENGINEERS
& ORS.

.....Respondents

Through: Mr. Anuj Aggarwal, ASC, GNCTD with Ms. Arshya Singh, Mr. Yash Upadhyay and Mr. Siddhant Dutt, Adv. for R-3.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **05.07.2024**

CM APPL. 32107/2024 [Exemption]

1. Exemption is allowed, subject to all just exceptions.

W.P.(C) 7738/2024

2. The present Petitions impugn the orders dated 13.09.2023, passed by the learned Labour Court, Rouse Avenue Courts, New Delhi, wherein the Court has found that the termination of the Petitioner/workman was not illegal and thus, the workman is not entitled to any compensation or back wages.

3. Learned Counsel for the Petitioner submits that the workman was not in fact an employee of Respondent No.1 or Respondent No. 2 but was an employee of Respondent No.3/PWD and that each time, the contractor with



PWD changed, the workman would be required to join such contractor. He seeks to rely upon the judgment of the Supreme Court in the case of ***Steel Authority of India & Ors. v. National Union Waterfront Workers & Ors.; (2001) 7 SCC 1*** to submit that when the employment of contract labourers is a mere camouflage and in reality, the labourers were the employees of the principal employer, they would be considered the employee of the principal employer.

4. Learned Counsel for the Respondent No.3/PWD submits that Respondent No. 1 and Respondent No.2 contractors have contradicting stands *qua* the employment of the workman. He submits that the workman was not an employee of the PWD.

5. The matter requires examination.

6. Issue Notice. Learned Counsel for Respondent No.3/PWD accepts Notice. Let Notice be served on Respondent No.1 and Respondent No.2 *via* all modes.

7. An affidavit of service be filed within a period of two weeks.

8. Counter-Affidavit(s) be filed within a period of six weeks.

8.1 Rejoinder(s), if any, be filed within a period of four weeks thereafter.

9. Registry is directed to place on record the digital copy of the Trial Court Record duly paginated and book-marked in accordance with the rules of the High Court.

10. List before the concerned Registrar for completion of service and pleadings on 29.08.2024.

TARA VITASTA GANJU, J

JULY 5, 2024/SA

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