



\$~69

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

+ **W.P.(C) 13537/2022 & CM APPL. 6936/2023**

INDIAN NATIONAL MIGRANT WORKERS

UNION

.....Petitioner

Through: Mr. Biswambar Nayak, Advocate.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Abhishek Saket, SPCG with Mr. Nishant, GP, Mr. Manish Madhukar, Mr. Abhigyan, Ms. Varsha Dhami & Mr. Riya Paul, Advs. for R-1 & 2. Mr. Kumar Ankur, Mr. Karan Bindra & Mr. Anupam Prakash, Advocates for R-3. Mr. Ashish Upadhyay & Mr. Pradeep Kr. Mishra, Advocates for R-4.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

%

17.07.2025

CM APPL. 6936/2023 /Modification/

1. Learned Counsel for the Petitioner has filed a document on 16.07.2025 setting out the names of the workmen who have already been taken back into employment. The said document sets out that 14 of the 41 workmen have been reinstated.

1.1 A hard copy of the document has been handed across to the Court. The Registry is directed to scan and upload the same so that it remains embedded in the case file.



2. Learned Counsel for the Petitioner further submits that the remaining workmen are not being reinstated by the Respondent No.4/Contractor, as the Respondent No.4/Contractor is demanding compensation from them for this purpose.

3. Learned Counsel for the Petitioner further submits that the Respondent No.4/Contractor has already taken several new workers instead of complying with the order passed by this Court. Reliance is placed on paragraph 2 of the Application, which is set out below:

" 2) That however in between the respondent No.4 / M/s. Virtuous India Pvt. Ltd. has recruited several new workers from outside, such as Shri Aaman Kumar, Shri Ravikant, Shri Hem Raj, Shri Kanhaiya Lal, Shri Pramod Kumar & Shri Narender Kumar. "

4. Learned Counsel for Respondent Nos.1 and 2 reiterates that the order that was passed by this Court on 11.10.2022 is being complied with.

5. Notice in the present Application was issued on 13.02.2023. Despite the lapse of almost two and a half years, no Reply has been filed by the Respondents.

6. Learned Counsel for Respondent No.4/Contractor states that he will place on record an Affidavit setting out the details of all the employees who have been employed in service after the passing of the order dated 11.10.2022 and setting out the details of their salaries. The Affidavit shall also set out the compliance of the directions passed by the Court on 11.10.2022.

6.1 Let the Affidavit be filed within four weeks by Respondent No.4. The person affirming the Affidavit also be present before the Court on the next date of hearing to assist the Court.

7. Although the learned Counsel for Respondent Nos.1 and 2 had stated



that the 41 workmen had already been absorbed, clearly, only 14 of the 41 workmen have yet been absorbed. Learned Counsel for Respondent Nos.1 and 2 requests for some time to take instructions.

8. Let Reply(ies) be also filed by the Respondents within four weeks.
9. Rejoinder(s) thereto, if any, be filed before the next date of hearing.
10. List on 28.08.2025.
11. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

JULY 17, 2025/ ha