

\$~2

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

+ W.P.(C) 10080/2019 & CMNo.41704/2019 (stay)

UNION OF INDIA

..... Petitioner

Through Mr.Ashok Singh, Adv.

versus

SHRI RAM JUARI

..... Respondent

Through None.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **15.01.2020**

1. The present writ petition filed by the Management/Indian Railways assails the award dated 07.12.2018 passed by the Central Government Industrial Tribunal, Dwarka Courts, New Delhi in I.D. No.334/2011. Under the impugned award, the Court has after holding that the services of the respondent had been illegally terminated has directed the petitioner to reinstate him with 50% backwages.

2. Pursuant to the last order, the petitioner has filed an additional affidavit, which is taken on record.

3. Learned counsel for the petitioner submits that while passing the impugned award, the Labour Court has failed to appreciate that the respondent was a casual worker, who had not completed 240 days in the year preceding his alleged termination and, therefore, the provisions of Section 25F of the Industrial Disputes Act, 1947 were

not applicable to him. He draws my attention to para 7 of the written statement where this specific plea was taken by the petitioner before the Labour Court.

4. Upon the petitioner filing process fee, issue notice to the respondent by ordinary process and speed post returnable on 17.03.2020 before the Registrar concerned for completion of service.

5. Subject to the petitioner depositing a sum of Rs.5 lakh with the Registrar General of this Court, the operation of the impugned award shall remain stayed, till the next date.

REKHA PALLI, J

JANUARY 15, 2020/sr