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

+ W.P.(C) 10148/2019, CM APPL. 41939/2019 & CM APPL.
51294/2019

BHARAT HEAVY ELECTRICALS LTD Petitioner

Through: Mr. R. Birbal, Senior Advocate with
Ms. Raavi Birbal and Mr. A.K. Das,
Advocate.

versus

UDAIBIR SINGH & ORS Respondents

Through: Ms. Asha Jain Madan, Advocate for
R-1 to R-164.
Ms. Prema Priyadarshini, Senior
Advocate with Ms. Namrata
Choudhary and Mr. Manpreet Bhasin,
Advocates for R-167 & 168.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **06.02.2020**

The *lis* to be determined is whether the impugned order fixing the interim relief of 75% wages could have been so computed when the documents, on which the respondent-workmen relied upon, had not been put to the petitioner i.e. the petitioner was not given adequate opportunity to respond to the same.

Ms. Raavi Birbal, the learned counsel for the petitioner submits that the issue, as to whether any interim relief could be granted in view of the expression "*matters incidental thereto*" under section 10 (4) of the Industrial Disputes Act, 1947, is pending adjudication before a larger Bench

of the Supreme Court.

The reference was made in the dicta of the Supreme Court in *Goa MRF Employees Union vs. MRF Limited*, (2010) 15 SCC 432.

Be that as it may, insofar as about Rs. 8 crores has been computed in terms of the impugned order and it is sought to be recovered through recovery proceedings. In the circumstances, it would be fair that the amount of Rs. 3 crores which may be calculated by the petitioner as payable to the respondents-workmen, be deposited without prejudice to the rights and contentions of the petitioner and subject to the outcome of these proceedings.

Let Rs. 3 crores be deposited in an interest-bearing FDR, by the petitioner with their own Bank in the name of the Registrar General of this Court. The original FDR shall be filed in the records. It shall be kept renewed till further orders.

The petitioner shall file its computation apropos the monies payable to the respondents-workmen before the next date, with an advance copy of the same supplied to the learned counsel for the respondents-workmen, within four weeks.

In view of the above, it is expected that the respondents-workmen shall not pursue the recovery proceedings till further order.

List for arguments on 20.05.2020.

NAJMI WAZIRI, J

FEBRUARY 06, 2020/AB