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

+ **W.P.(C) 8356/2020**

SURINDER SINGH AND OTHERSPetitioners

Through: Ms. Sunita Bhardwaj, Advocate.

versus

UNION OF INDIA AND OTHERSRespondents

Through: Mr. Gaurav M. Uberhan and Mr.
Rahul Dwivedi, Advocates for R-15
to 17 and 21.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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06.05.2025

1. The grievance of the Petitioners as articulated in the present Writ Petition is that the Petitioners' right to livelihood is being affected. It is stated by the learned Counsel for the Petitioners that the Respondent Nos. 15 to 17 and 21 could not close the food and beverages outlet during the Covid-19 pandemic without the permission of the Central Government. It is further stated that the action that was taken by the Respondents was *dehors* the law.
2. Learned Counsel for the Respondent Nos. 15 to 17 and 21 disputes the same and submits that there several disputes in the present Petition which include the fact that the Petitioners are not employees of the Respondents and that the petition, as filed, is not maintainable before this Court.
3. It is apposite to set out the prayers in the present Petition, which reads as follows:

"1). Writ, order or direction in the nature of *MANDAMUS* or any other



appropriate writ, order or direction thereby directing the respondents to take stem action against the Board of Management of 'The Delhi Golf Club' for taking away the right of livelihood for violating the fundamental right to livelihood of the Petitioners ensured/enshrined under Article 21 of the Constitution of India of the members of the petitioner by illegally removing them from their permanent employment during the ongoing COVID-19 pandemic, that too without following due process.

2). Writ, order or direction in the nature of CERTIORARI or any other co-ordinate appropriate writ, order or direction thereby directing the respondent No. 15 to 17 to regularize the services of the Petitioners and set aside the decision of removing the Petitioners from their employment and issue a writ of MANDAMUS to protect the employment of the members of the Petitioner amid the Pandemic COVID -19 and to ensure that the Petitioners are allowed to join their employment amid COVID -19 in the Food & Beverages Department of the Delhi Golf Club.

3). Writ, order or direction in the nature of MANDAMUS or any other appropriate writ, order or direction thereby directing the Respondent No. 1 to 5 to ensure that the Food & Beverages Department of the Delhi Golf Club is not outsourced to any contractor/ third party by the respondent No. 15 To 17 amid Pandemic COVID -19 detrimental to the employment of the Petitioners.

4). Writ, order or direction in the nature of MANDAMUS or any other appropriate writ, order or direction thereby directing the Respondents to ensure that the Petitioners are not stopped from performing their duties during Pandemic COVID - 19 and further to ensure the continuity of the employment of the Petitioners amid emergent situations arises due to the pandemic COVID-19.

5). Writ, order or direction in the nature of MANDAMUS or any other appropriate writ, order or direction thereby directing the Respondent No. 1 and 2 to act upon the Order dated 29.3.2020 & 20.03 .2020 bearing No. D.O. No. M-II011108/2020/Media issued by the Respondent No. 1 and 2 respectively prohibiting the illegal termination of the employees amid the Pandemic COVID-19 by the Management of the Delhi Golf Club availing the Government charity of free land of the Government having value of approximately Rs.55,779 Crores situated at the heart of the Country.

6). Writ, order or direction in the nature of MANDAMUS or any other appropriate writ, order or direction thereby directing the Respondents to prosecute and take stem action against the Respondent No. 15 10 17 & 20 under Section 58 of the Disaster Management Act, 2005.

7). Writ, order or direction in the nature of MANDAMUS or any other appropriate writ, order or direction thereby ordering for the prosecution of the Respondent No. 15, 16, 17 & 20 for their willful non compliance of



the Orders/ directions and advisory issued by the Respondent No. 1 to 4 during the outbreak of the pandemic COVID-19.

8). *Writ, order or direction in the nature of MANDAMUS or any other appropriate writ, order or direction thereby directing the Respondents to act upon the representations made by the Petitioner from ANNEXURE P-10 to ANNEXURE P- 23 of the present Writ Petition.*

9). *Writ, order or direction in the nature of MANDAMUS or any other appropriate writ, order or direction thereby directing the respondent No. 6 to 9 to get prohibited the deployment of the Contract labour by forwarding the application of the Petitioner under Section 10 of the Contract Labour (Regulation & Abolition) Act, 1970 along with AGENDA NOTE to the Respondent No.6 i.e. the State Advisory Contract Labour Board for prohibition of deployment of contract labour/contractor in the Food & Beverages Department of the Delhi Golf Club under Section 4 of the Contract Labour (Regulation & Abolition) Act, 1970.*

10) *Writ, order or direction in the nature of MANDAMUS or any other appropriate writ, order or direction thereby directing the respondent No. 10 to take note of the Agenda for prohibition of deployment of contract labour/contractor in the Food & Beverages Department of the Delhi Golf Club and NOTIFY the same in the OFFICIAL GAZZETTE prohibiting the deployment of the contract labour/contractor in the Food & Beverages Department of the Delhi Golf Club.*

11). *Writ, order or direction in the nature of MANDAMUS or any other appropriate writ, order or direction thereby directing the respondent No. 7 to 9 to take action against the Respondent No. 15 to 17 for their illegal acts of contravening the Statutory duty obligations cast upon them by virtue of various provisions of the labour Welfare legislation i.e. the Industrial Disputes Act, 1947; the Contract Labour (Regulation & Abolition) Act, 1970; the Factories Act, 1948 enacted by the Parliament of this Country for protection of the downtrodden/vulnerable Labour class.*

12). *Writ, order or direction in the nature of MANDAMUS or any other appropriate writ, order or direction thereby directing the respondent No. 8 not to grant the principle employer registration certificate to the Respondent Management of the Delhi Golf Club i.e. Respondent No. 15, 16, 17 & 20 herein with regard to the Food & Beverages Department of the Delhi Golf Club.*

13). *Writ, order or direction in the nature of MANDAMUS or any other appropriate writ, order or direction thereby directing the respondent No. 4 to revoke/cancel the registration of principle employer if already granted to the Respondent no. 15, 16 & 17 i.e. the Management of the Delhi Golf Club with regard to the Food & Beverages Department of the Delhi Golf Club under Section 7 or any other section of the Contract Labour*



(Regulation & Abolition) Act, 1970.

14). Writ, order or direction in the nature of MANDAMUS or any other appropriate writ, order or direction thereby directing the respondent No. 6 to 9 to revoke/cancel the Principle Employer Registration Certificate for House Keeping & Security Services having permanent & perennial nature of services obtained through misrepresentation in the year 2006 in view of the admitted fact that the Management of the Delhi Golf Club has already surrendered the said Registration Certificate online on 3/7/2020 & 301712020 itself.

15). Writ, order or direction in the nature of MANDAMUS or any other appropriate writ, order or direction thereby directing the respondent No. 13 i.e. Food Safety & Standards Authority of India (FSSI) to ensure that the requisite Food Safety License for maintaining food standards and safety in the kitchen of the Food & Beverages Department of the Delhi Golf Club are procured as required under Food Safety & Standards Act, 2006.

16). Writ, order or direction in the nature of MANDAMUS or any other appropriate writ, order or direction thereby directing the respondent No. 14 to take action against Respondent No. 15, 16, 17, 18 & 19 for contravening various provisions of the Factories Act more particularly for not obtaining requisite food processing license for the Kitchen of the Food & Beverages Department of the Delhi Golf Club.

17). Writ, order or direction in the nature of MANDAMUS or any other appropriate writ, order or direction thereby directing the respondent No. 14 to ensure that the requisite License for food processing in the kitchen of the Food & Beverages Department of the Delhi Golf Club as required/mandatory under Section 2 (m) of the Factories Act, 1948.

18.) Writ, order or direction in the nature of MANDAMUS or any other appropriate writ, order or direction thereby directing the respondents to take stem action against the Board of Management of 'The Delhi Golf Club' for taking away the right of livelihood for violating the fundamental right to livelihood of the Petitioners ensured/enshrined under Article 21 of the Constitution of India of the members of the petitioner by illegally removing them from their permanent employment during the ongoing COVID-19 pandemic, that too without following due process.

19). Any other Writ, Order or direction in the nature of MANDAMUS or any other appropriate writ, order or direction the Hon' ble Court may deem fit and proper may also be granted in the facts and circumstances of the present case and in the interest of Justice. ”

4. None appears for the remaining parties.



5. Let the parties file their short note of contentions in the matter on the aspect of maintainability, not exceeding three pages each, at least three days before the next date of hearing, along with the compilation of judgments, if any, they wish to rely upon. All judgments sought to be relied upon shall be filed with an index which also sets out the relevant paragraph numbers and the proposition of law that it sets forth.

6. List along with W.P.(C) 9710/2020 and W.P.(CRL) 2207/2020 on 27.08.2025.

TARA VITASTA GANJU, J

MAY 6, 2025/PB

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