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

+ **W.P.(C) 9248/2024 & CM APPL. 46270/2024**

THE MANAGEMENT OF DIRECTORATE OF HOME

GUARDS

.....Petitioner

Through: Mrs. Avnish Ahlawat, Standing
Counsel, GNCTD with Mr. Nitesh
Kumar Singh, Ms. Laavanya Kaushik,
Ms. Aliza Alam and Mr. Mohnish
Sehrawat, Advs.

versus

RAJENDER KUMAR AND ORS.

.....Respondents

Through: Mr. Rajiv Agarwal, Adv. with Ms.
Meghna De, Ms. L. Gangmei and Ms.
Surbhi Bagra, Advs.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **13.08.2024**

CM APPL. 46270/2024 [Seeking Directions]

1. This is an Application filed on behalf of the Respondents seeking the following prayer:

“a. Direct the Petitioner not to create third party interest by proceeding with Recruitment pursuant to advertisement No. DIP/SHABDARTH/CLASSIFIED/0308/23-24;”

2. Learned Counsel for the Respondents submits that despite the orders of the Court, the Petitioner/Management is continuing with the process of recruitment by creating third party interest in the available posts, during the pendency of the present Petition.



2.1 He further submits that the Impugned Award has also not been implemented and this is a violation of the provisions of the Industrial Disputes Act, 1947 [hereinafter referred to as the “Act”]. He seeks to rely upon Item 13 of Fifth Schedule of the Act read with Section 25T, Section 25U and Section 29 of the Act to submit that the Petitioner/Management is indulging in unfair labour practices, the continuation of which could result in imprisonment and fine to the Petitioner/Management.

3. Learned Counsel for the Petitioner/Management, on the other hand, submits that this Court has already passed directions protecting the parties. She seeks to rely upon paragraph 13 of order dated 09.07.2024 in this regard. Paragraph 13 of the said order is extracted below:

“
....
13. In the event, any coercive steps are taken by the Respondents, the learned Counsel for the Petitioner is at liberty to file an appropriate Application for early hearing in the matter....”

4. Learned Counsel for the Petitioner/Management further submits that the process of recruitment commenced in January, 2024 and the process will take more than one year. She further submits that for 10,285 posts, there have been more than one lakh applications. Given the large numbers of candidates, the process of recruitment is unlikely to conclude within the next six months.

5. The issue requires further examination.

5.1 Issue Notice.

5.2 Learned Counsel for the Petitioner/Management accepts notice and seeks time to file the Reply.

6. Let a Reply be filed within two weeks.

6.1 Rejoinder, if any, be filed within a week thereafter.



7. Learned Counsel for the Respondents submits that this Petition is coming up for final hearing and disposal on 01.10.2024.

8. In view of the fact that the process of recruitment is not likely to conclude in the next six months and the fact that protection has also been accorded to the Respondents in terms of order dated 15.07.2024 passed in connected Writ Petition being W.P.(C) 9038/2024, where there are clear instructions that if a decision is taken to terminate the Respondents, it will not be implemented without the permission of this Court, it is not necessary to pass any additional direction today.

8.1 Needless to state, any steps which are taken by the Petitioner/Management during the pendency of this Petition, shall be subject to its outcome.

9. List the Application for hearing on 01.10.2024 at 3:30 PM.

10. Parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

AUGUST 13, 2024/SA

Click here to check corrigendum, if any