



\$~67

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

+ **W.P.(C) 15198/2022**

MS. MANGLI

..... Petitioner

Through: **Ms. Latika Choudhary, Adv.**

versus

M/ S BHAGWAN MAHAVIR HOSPITAL & ORS..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

%

03.11.2022

CM APPL. 46991/2022 (exemption)

Exemption is allowed subject to all just exceptions.

W.P.(C) 15198/2022

The present writ petition has been filed challenging the impugned order dated 9th August, 2021 passed by the learned Presiding Officer, Labour Court -2, Rouse Avenue District Courts, New Delhi in LIR No. 1777//2016.

Learned counsel for the petitioner submits that the learned Labour Court has passed the impugned award without appreciating the fact that the contract between the principal employer i.e. respondent No.1 and the Contractor i.e. respondent No.2 was a sham and a camouflage to deny employment benefits to the employee.

Learned counsel for the petitioner further submits that the learned Labour Court also did not take into account that juniors to the petitioner were retained by the respondents whereas the services of petitioner was



terminated in complete violation of Section 33, Section 2 (ra), Section 25F, Section 25 G and Section 25H of the Industrial Disputes Act, 1947.

It has further been submitted that the learned Labour Court also failed to take into account that the services of the petitioner was terminated whereas the dispute regarding regularization of service and payment of dues was still pending.

Issue notice to the respondent through all permissible modes upon filing PF by the petitioner, returnable on 10th April, 2023.

DINESH KUMAR SHARMA, J

NOVEMBER 3, 2022

Pallavi