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

+ **W.P.(C) 9667/2024**

DELHI INTERNATIONAL AIRPORT LIMITEDPetitioner

Through: Mr. Rajiv Nayar, Sr. Advocate with
Ms. Suruchi Agarwal, Sr. Advocate
with Mr. Milanka Chaudhary, Ms.
Ashley Cherian, Ms. Swet Shika, Mr.
Shivankar Sukul and Mr. Gurmeet,
Advocates.

versus

RAJINDER KUMAR AND ORS. THROUGH THE CONTRACT

MAZDOOR UNION AND ORSRespondents

Through: Mr. Subodh Kr. Pathak, Mr. Vishwa
Ranjan Kumar, Mr. Surender Singh,
Mr. Sameer Yadav, Mr. Anil Kumar
and Mr. Deepak Kumar, Advocates for
R-1/Union
Mr. Digvijay Rai, Mr. Archit Mishra,
Ms. Sonali Singh, Advocates for R-
4/AAI.
Mr. Virender Mehta and Mr. Kunal
Mehta, Advocates for R-3/HAWK
Ms. Anjana Gosain, SPC with
Ms. Vidhi Gupta, GP with Mr. Nippun
Sharma, Advocate for R-5/Labour
Commissioner.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **18.07.2024**

CM APPL. 39726/2024 [*Exemption from filing certified copies of all orders
and dim annexures*]

1. Allowed, subject to the Petitioner filing clear copies of dim annexures
within four weeks.

2. The Application stands disposed of.

CM APPL. 39727/2024 [*Exemption from filing lengthy synopsis and list of*



dates]

3. Allowed, subject to just exceptions.

4. The Application stands disposed of.

CM APPL. 39728/2024 [Additional Documents]

5. This is an Application seeking permission to place on record the show-cause notice dated 13.06.2024 issued by Respondent No. 5/Assistant Labour Commissioner and the reply filed by the Petitioner to the show-cause notice, which are annexed as Annexures P-2 and P-56 to this Petition.

6. Let Replies, if any, be filed by the Respondents within four weeks.

6.1 Rejoinder, if any, be filed within two weeks thereafter.

7. List before the Registrar for completion of service and pleadings on 23.09.2024.

W.P.(C) 9667/2024 & CM APPL. 39725/2024 [Stay]

8. The present Petition impugns an Award dated 28.02.2024 passed by the learned Labour Court in Industrial Dispute No.264/2011 [hereinafter referred to as “Impugned Award”]. By the Impugned Award, the learned Labour Court reached to the conclusion that the Petitioner and Respondent No.4/AAI have terminated the services of 23 Workmen illegally and have found Petitioner and Respondent No.4/AAI to be liable for their reinstatement alongwith payment of back-wages and all consequential benefits.

9. Learned Senior Counsel appearing on behalf of the Petitioner submits that the Impugned Award suffers from several infirmities. In the first instance, the Reference as was set out in the Impugned Award limits itself to an action against the two managements, i.e., Respondent Nos.2/JAC Air Services Private Ltd. and Respondent No. 3/HAWK Cargo Services Private Ltd. However, the learned Labour Court has gone beyond the Reference in passing directions



against the Petitioner (and Respondent No. 4/AAI).

9.1 Learned Senior Counsel further submits that in the statement of claims filed by the Workmen, they did not set out that Petitioner or Respondent No.4/AAI were their principal employers and rather it was stated that the Workmen were the employees of Respondent Nos.2 and 3. It was further contended that no issue was formulated in this regard as well, despite which the Impugned Award directs the Award against Petitioner and Respondent No. 4/AAI.

10. Learned Senior Counsel further refers to the statement of defences/replies filed by the Petitioner during the proceedings, more specifically wherein it is clearly set out that the Claimants are not the Workmen of Petitioner and that the Petitioner is not the principal employer of the Claimants.

10.1 It is averred that despite its clear and categorical stance in its pleadings, in paragraph No.17 of the Impugned Award, it is observed that none of the management/opposite parties, including the Petitioner have denied that the Workmen were working under Respondent No.4/AAI.

11. It is further stated that the Petitioner is neither a statutory body nor a Public Sector Undertaking and thus, the judgment of ***Steel Authority of India (SAIL) vs. Union of India 2006 (12) SCC 23*** is not applicable to the Petitioner.

12. Learned Counsel for the Respondents, who appears on advance notice, submit that the Petitioner and Respondent No.4 are the principal employers of these 23 Workmen.

13. The matter requires examination.

14. Issue Notice.

14.1 Learned Counsel for Respondent Nos.1, 3, 4 and 5 accept notice.

14.2 On steps being taken, let service be affected on Respondent No.2.



15. Learned Senior Counsel draws the attention of the Court to the show-cause notice dated 13.06.2024 issued by Respondent No.5, calling upon the Petitioner to implement the Impugned Award within 30 days from such date. It is submitted that in the event that if the Impugned Award is not kept in abeyance, the matter will become infructuous.

16. In view of the submissions made, the operation of the Impugned Award dated 28.02.2024 shall be kept in abeyance till the next date of hearing.

17. In the meantime, the Petitioner and Respondent No.4 shall make payment in the sum of Rs.30,000/- as litigation expenses to each of the 23 Workmen. The payments will be made equally by the Petitioner and Respondent No.4, within one week.

17.1 Learned Counsel for Respondent No.1 shall provide to the learned Senior Counsel for the Petitioner and learned Counsel for Respondent No.4/AAI the details of the bank accounts of 23 Workmen.

18. Registry is directed to place on record the digital copy of the Trial Court Record duly paginated and book-marked in accordance with the rules of the High Court.

19. List before the Registrar for completion of service and pleadings on 23.09.2024.

20. List before Court on 03.12.2024.

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

TARA VITASTA GANJU, J

JULY 18, 2024/pa

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