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

+ **W.P.(C) 11563/2019**

THE MANAGEMENT OF AIRPORT AUTHORITY
OF INDIA

..... Petitioner

Through: Mr. Vaibhav Kalra, Advocate (M:
9650310194).

versus

SH. KULDEEP SINGH

..... Respondent

Through: Ms. Meghna De, Advocate for Mr.
Rajiv Agarwal, Advocate.

13 WITH

+ **W.P.(C) 11566/2019**

THE MANAGEMENT OF AIRPORT AUTHORITY
OF INDIA

..... Petitioner

Through: Mr. Vaibhav Kalra, Advocate.

versus

SH. MANOJ KUMAR

..... Respondent

Through: Ms. Meghna De, Advocate for Mr.
Rajiv Agarwal, Advocate.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **23.11.2020**

CM APPL. 29866/2020 in W.P.(C) 11563/2019

CM APPL. 29883/2020 in W.P.(C) 11566/2019

1. This hearing has been held through video conferencing.
2. The present applications have been filed for expeditious disposal of the application under Section 17B of the Industrial Disputes Act, 1947 (*hereinafter*, "ID Act").
3. Ld. counsel for the Applicants-Workmen (*hereinafter*, "Workmen")



submits that vide previous orders, the Court had started hearing the application under Section 17B and directed that the application and the main writ petition be heard on the next date. This, according to Ms. Meghna De, Id. counsel, would be contrary to the judgement of the Id. Supreme Court in ***Workmen Represented by Hindustan V.O. Corpn. Ltd. v. Hindustan Vegetable Oils Corporation Ltd. and Ors., (2000) 9 SCC 534.***

4. A perusal of the chronology of events in these cases shows that these writ petitions challenge the impugned orders dated 7th May, 2019 and 8th May, 2019 passed by the Industrial Tribunal in ID No. 26/2015 and ID No. 25/2015. The same were first listed on 1st November, 2019. On the said date, this Court had directed stay of the impugned awards subject to deposit of the back wages in terms of the impugned awards within four weeks. The Petitioner has complied with the said orders. Thereafter, the matters were listed on 16th January, 2020, on which date Id. counsel for the Workmen had entered appearance before the Registrar. Finally, on 26th August, 2020, the applications under Section 17B were filed by the Workmen. On 31st August, 2020, litigation expenses were directed to be transferred directly into the Bank accounts of the Workmen.

5. On 22nd October, 2020, the applications under Section 17B were heard in part and were listed on 14th December, 2020 for further hearing on the applications as also the main matter. On the said date, the Workmen's submission that they have also challenged the awards dated 7th May, 2019 and 8th May, 2019 were also noted. It is submitted that the said writ petitions are yet to be listed before this Court.

6. The judgement of the Supreme Court in ***Workmen Represented by Hindustan V.O. Corpn. Ltd.(supra)*** reads:



“1. Leave granted.

2. The order under challenge has been passed by a Division Bench of the High Court at Calcutta. Its operative portion states that the writ petition filed by the present appellants and their application under Section 17B of the Industrial Disputes Act should be disposed of together, expeditiously. We are of the view that an application under Section 17B should be disposed of before the principal petition and it should be disposed of most expeditiously.

3. We, therefore, set aside the order under challenge to the extent that it requires the disposal of the writ petition and the Section 17B application together and we direct that the Section 17B application should be disposed of with great promptitude and before disposal of the writ petition.

4. The Section 17B application shall be listed before a learned Single Judge of the Calcutta High Court expeditiously, and the parties may seek a fixed date of hearing. It shall be open to the parties to raise all contentions in support of and against the application. It shall also be open to the First respondent to rely upon the order of the B.I.F.R. that it states has been passed.

5. The civil appeal is allowed accordingly.

6. No order as to costs.”

7. As per the above judgement, the Supreme Court holds that applications under Section 17B of the ID Act ought to be heard with great promptitude and should not await the hearing in the main writ petition.

8. The applications under Section 17B in these petitions have been listed for the first time on 31st August, 2020, on which date itself, litigation expenses were directed to be paid and on the next date i.e. 22nd October, 2020, the applications were part-heard. The applications under Section 17B would be disposed of in accordance with law. The present applications appear to apprehend that the writ petitions may be heard before Section 17B



applications which apprehension is unfounded. The applications are already part heard but the hearing in the writs is yet to commence. Thus, this Court is of the opinion that the present applications are completely uncalled for. The same are, accordingly, dismissed.

PRATHIBA M. SINGH, J.

NOVEMBER 23, 2020/MR/T