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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10712/2024 & CM APPL. 44126/2024 and CM APPL. 44127/2024**
CONSORTIUM OF TENANTS OF JEEVAN BHARTI

.....Petitioner

Through: Mr. K.C. Dubey, Adv.

versus

VINOD KUMAR & ANR.Respondents

Through: Mr. Kawal Mehta, Adv. for R-2.

CORAM:
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **05.08.2024**

CM APPL. 44127/2024 [Seeking exemption from filing true typed copies of Annexures]

1. Allowed, subject to the Petitioner filing true typed copies of the annexures within a period of four weeks.
2. The Application is disposed of.

W.P.(C) 10712/2024 & CM APPL. 44126/2024 [Stay]

3. The present Petition seeks to challenge an Award dated 24.02.2023 passed by the Central Government Industrial Tribunal-Cum-Labour Court-II, New Delhi in Industrial Dispute [hereinafter referred to as the "Impugned Award"]. By the Impugned Award, it has been directed that the services of the Respondent No.1/Claimant were illegally terminated and the Petitioner has been directed to pay lump sum compensation in lieu of reinstatement and litigation expenses.



4. Learned Counsel for the Petitioner has raised two objections:

(i) In the first instance, he submits that the Petitioner is an association of persons governed by the Societies Registration Act, 1860 and hence the appropriate Government under Section 2(a) of Industrial Disputes Act, 1947 would be the Industrial Tribunal established by the Government of NCT of Delhi;

(ii) Secondly, it is contended that the Petitioner was not a party to the proceedings before the Conciliation Officer and, thus, the reference order dated 18.11.1999 was passed without hearing the Petitioner.

5. Learned Counsel for the Petitioner submits that the Petitioner was impleaded as a party during the proceedings before the CGIT pursuant to an Application dated 08.03.2001, filed by the Respondent No.1/Workman.

6. The matter requires further examination.

7. Issue Notice.

7.1 Learned Counsel for the Respondent No.2, who appears on advance service, accepts notice and submits that there is no relief claimed against the Respondent No.2.

8. On steps being taken, let notice be served upon the Respondent No.1 *via* all modes including electronically. *Dasti* in addition. An Affidavit of service be filed before the next date of hearing.

9. Counter-Affidavit, if any, be filed within four weeks.

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

10. 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.

11. Learned Counsel for the Petitioner submits that the terms of reference



itself are without jurisdiction and that if the Respondent is directed to execute the Award, the Petitioner will suffer irreparable loss. He submits that he may be protected during the pendency of the present proceedings.

12. Subject to the deposit of a sum of Rs. 5 lakhs within four weeks, the enforcement of the Impugned Award is put in abeyance till the next date of hearing.

12.1 It is clarified that if the deposit is not made in time, the interim protection granted shall automatically stand dissolved.

13. The Petitioner shall also pay litigation expenses in the sum of Rs. 30,000/- to the Respondent No.1.

14. List before the concerned Registrar for completion of service and pleadings on 21.10.2024.

15. Parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

AUGUST 5, 2024/SA

Click here to check corrigendum, if any