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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 13791/2025 & CM APPL. 56596/2025 (Stay)**
NATIONAL TECHNICAL RESEARCH ORGANIZATION & ANR.
.....Petitioners

Through: Mr. Syed Abdul Haseeb, CGSC with
Mr. Tanveer Zaki, Advocate.

versus

SHRI RAJU

.....Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

09.09.2025

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1. This hearing has been done through hybrid mode.

CM APPL. 56597/2025 (Exemption)

2. Allowed, subject to all just exceptions. The application is disposed of.

W.P.(C) 13791/2025 & CM APPL. 56596/2025 (Stay)

3. The present petition under Article 226 of the Constitution of India seeks the following prayers:

- “a) set aside the impugned order dated 3rd March 2025 passed by the CGIT Delhi in I.D. 233 of 2018 and/or;
- b) and to pass such other and further orders as this Hon'ble court may deem fit and proper in the facts and circumstances of the case and in the interest of justice.”

4. By way of the impugned order dated 03.03.2025, the learned CGIT dismissed an application under Order XIV Rule 2 of the CPC, 1908 filed on behalf of the petitioner, raising the preliminary objection that the latter would not fall within the definition of ‘Industry’ as defined under Section 2(j) of the Industrial Disputes Act, 1947.

5. It is the case of the petitioner that the latter is an intelligence



organisation and does not come within the definition of ‘Industry’ in the said Act and its functions are sovereign in nature. It is further submitted that this issue has been decided in case of Sh. Anil Kumar vs. NTRO (case I.D. no. 11/2011) by Central Govt. Industrial Tribunal-I, Karkardooma Court, Delhi, wherein it was held that petitioner would not fall within the definition of ‘Industry’ as defined under Section 2(j) of the Industrial Disputes Act.

6. It is pointed out that the respondent on previous occasion had moved an O.A before the learned CAT, which was dismissed *vide* order dated 26.11.2011. Thereafter, a review petition was filed and was dismissed by learned CAT *vide* order dated 17.01.2012. Subsequently, it is pointed out that the respondent approached this Court in W.P.(C) 2412/2012, which was dismissed *vide* order dated 07.01.2013, while passing the certain directions. It is submitted that once the respondent itself chose the forum of learned CAT as well as this Court, he could not have approached the learned CGIT.

7. Issue notice.

8. On the petitioner taking necessary steps, issue notice to the respondent through all permissible modes, including electronic mail, if any, returnable on 16.01.2026.

9. In the meantime, the impugned order dated 03.03.2025 shall remain stayed till the next date of hearing.

AMIT SHARMA, J

SEPTEMBER 9, 2025/bsr/yg