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

+ **W.P.(C) 16612/2006**

TOBU MAZDOOR SANGH REGD., Petitioner
Through: Mr.Navin Kumar, Adv.
versus

TOBU ENTERPRISES LTD. Respondent
Through: Mr.Inderjit Singh, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **29.08.2019**

C.M. No.40760/2018 (for early hearing)

Learned counsel for the petitioner does not press the present application.

The application is dismissed as not pressed.

C.M. Nos.46181/2018 (u/O 22 Rule 3), 46182/2018 (for delay of 3777 days in filing C.M.), 46183/2018(u/O 22 Rule 3), 46184/2018 (for delay of 4554 days in filing C.M.), 46185/2018 (u/O 22 Rule 3), 46186/2018 (for delay of 4974 days in filing C.M.)

Reply to the applications have been filed.

Learned counsel for the petitioner prays for and is granted six weeks' time to file a rejoinder.

C.M. No.11596/2019 (for permission to file amended memo of parties)

This is an application filed by 16 workmen and legal heirs of three workmen who have since expired seeking impleadment as co-petitioners in the writ petition. The applicant claim to be members of the respondent trade union i.e. Tobu Mazdoor Sangh (Regd.) which had propounded their case before the learned Labour Court. It is



claimed in the application that the respondent/union is no longer active and, therefore, it has become necessary for the applicants to seek impleadment in the writ.

Notice of the present application was issued vide order dated 13.03.2019. Learned counsel for the respondent had accepted notice on the said date and no reply thereto has been filed till date.

Today, learned counsel for the respondent submits that he has no objection to the said application being allowed qua the 16 workmen i.e. applicant nos. 1 to 16.

Accordingly, for the reasons stated in the application, the same is allowed to the extent that applicant nos.1 to 16 are impleaded as petitioner nos.2 to 17. However, as the applicant nos.17 to 19 have already expired during the pendency of the proceedings, applications seeking impleadment of their legal representatives have been filed, which applications are being adjourned today to enable the petitioner to file rejoinder, no orders are passed qua the said three applicant nos. 17 to 19. It is however, made clear that in case the applications seeking substitution of the legal heirs of applicant nos.17 to 19 is allowed by this Court, the said applicants would also be arrayed as co-petitioners.

The application is disposed of. The amended memo of parties in terms of this order be filed within one week.

W.P.(C) No.16612/2006

List on 10.02.2020.

REKHA PALLI, J

AUGUST 29, 2019/gm