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

CM Nos.35705-06/2018
+ W.P.(C) 5202/2010

INDIAN AIRLINES KAMGAR SANGHTAN..... Petitioner

Through : Mr. Saket Sikri and
Mr. Ajay Pal Sengh, Advs.

versus

NATIONAL AVIATION COMPANY OF
INDIA LTD AND ANR

..... Respondents

Through : Mr. Lalit Bhasin,
Ms. Ratna Dhingra,
Ms. Bhavna Dhami and
Mr. Ajay Pratap Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **04.09.2018**

CM No.35706/2018

Allowed, subject to all just exceptions.

The application is disposed of.

CM No.35705/2018

1. This is an application, which seeks quashing of the communication dated 16th August, 2018 issued by the Respondent no.1

2. *Prima facie*, the action in the said communication, which transfers casual workers, who have been working with the respondents since long, to another subsidiary company, cannot sustain the scrutiny of law.

3. I have, last week, already granted ad-interim stay of similar action, taken by Air India.
4. Even so, the prayer for quashing of the said communication essentially forms a fresh cause of action, which would have to be ventilated in a substantive writ petition.
5. As such, at request of Mr. Saket Sikri, learned counsel for the petitioner, the present application is permitted to be withdrawn with liberty to file a fresh writ petition, ventilating the grievance urged in this application.
6. Let such writ petition, if any, be filed within a period of one week.
7. Subject to filing of the said writ petition, on or before 10th September, 2018, the operation of the impugned communication dated 16th August, 2018, shall stand stayed, till the said writ petition is listed for hearing.

C.HARI SHANKAR, J

SEPTEMBER 04, 2018

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