

\$~21-33

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 7060/2010
(arising from order dated 26.02.2010 in I.D. No. 366/09)
AIR FORCE SR SEC SCHOOL

..... Petitioner

Through: Mr. K.K.Sharma, Sr. Advocate with
Mr. Rajiv Bakshi, Advocate with Ms.
Bhanita Patowary, Advocate

versus

GNCT OF DELHI AND ORS

..... Respondent

Through: Mr. Sanjiv Joshi, Advocate for
R2/Workman

+ W.P.(C) 7061/2010
(arising from order dated 26.02.2010 in I.D. No. 376/2009)

AIR FORCE SENIOR SECONDARY SCHOOL

..... Petitioner

Through: Mr. K.K.Sharma, Sr. Advocate with
Mr. Rajiv Bakshi, Advocate with Ms.
Bhanita Patowary, Advocate

versus

GNCT OF DELHI AND ORS

..... Respondent

Through: Mr. Vakul Jain, Advocate for R1
Mr. Sanjiv Joshi, Advocate for
R2/Workman

+ W.P.(C) 7062/2010
(arising from order dated 20.03.2010 in I.D. No. 367/2009)

AIR FORCE SR SEC SCHOOL

..... Petitioner

Through: Mr. K.K.Sharma, Sr. Advocate with
Mr. Rajiv Bakshi, Advocate with Ms.
Bhanita Patowary, Advocate

versus

GNCT OF DELHI AND ORS

..... Respondent

Through: Mr. Sanjiv Joshi, Advocate for
R2/Workman

+ W.P.(C) 7063/2010
(arising from order dated 26.02.2010 in I.D. No. 377/2009)

AIR FORCE SENIOR SECONDARY SCHOOL

..... Petitioner

Through: Mr. K.K.Sharma, Sr. Advocate with
Mr. Rajiv Bakshi, Advocate with Ms.
Bhanita Patowary, Advocate

versus

GOVERNMENT OF NCT OF DELHI & ORS.

..... Respondent

Through: Mr. Sanjiv Joshi, Advocate for
R2/Workman

+ W.P.(C) 7064/2010
(arising from order dated 20.03.2010 in I.D. No. 371/2009)

AIR FORCE SR SEC SCHOOL

..... Petitioner

Through: Mr. K.K.Sharma, Sr. Advocate with
Mr. Rajiv Bakshi, Advocate with Ms.
Bhanita Patowary, Advocate

versus

GNCT OF DELHI

..... Respondent

Through: Mr. Vakul Jain, Advocate for R1
Mr. Sanjiv Joshi, Advocate for
R2/Workman

+ W.P.(C) 7065/2010
(arising from order dated 20.03.2010 in I.D. No. 368/2009)

AIR FORCE SR SEC SCHOOL

..... Petitioner

Through: Mr. K.K.Sharma, Sr. Advocate with
Mr. Rajiv Bakshi, Advocate with Ms.
Bhanita Patowary, Advocate

versus

GNCT OF DELHI & ORS.

..... Respondent

Through: Mr. Sanjiv Joshi, Advocate for
R2/Workman

+ W.P.(C) 7066/2010
(arising from order dated 26.02.2010 in I.D. No. 375/2009)

AIR FORCE SR SEC SCHOOL

..... Petitioner

Through: Mr. K.K.Sharma, Sr. Advocate with
Mr. Rajiv Bakshi, Advocate with Ms.
Bhanita Patowary, Advocate

versus

GNCT OF DELHI & ORS.

..... Respondent

Through: Mr. Sanjiv Joshi, Advocate for
R2/Workman

+ W.P.(C) 7067/2010
(arising from order dated 26.02.2010 in I.D. No. 379/2009)

AIR FORCE SR SEC SCHOOL

..... Petitioner

Through: Mr. K.K.Sharma, Sr. Advocate with
Mr. Rajiv Bakshi, Advocate with Ms.
Bhanita Patowary, Advocate

versus

GNCT OF DELHI

..... Respondent

Through: Mr. Vinod Wadhwa, Advocate for R1
Mr. Sanjiv Joshi, Advocate for
R2/Workman

+ W.P.(C) 7068/2010
(arising from order dated 26.02.2010 in I.D. No. 372/2009)

AIR FORCE SR SEC SCHOOL

..... Petitioner

Through: Mr. K.K.Sharma, Sr. Advocate with
Mr. Rajiv Bakshi, Advocate with Ms.
Bhanita Patowary, Advocate

versus

GNCT OF DELHI & ORS.

..... Respondent

Through: Mr. Vinod Wadhwa, Advocate for R1
Mr. Sanjiv Joshi, Advocate for
R2/Workman

+ W.P.(C) 7069/2010
(arising from order dated 20.03.2010 in I.D. No. 370/2009)

AIR FORCE SR SEC SCHOOL

..... Petitioner

Through: Mr. K.K.Sharma, Sr. Advocate with
Mr. Rajiv Bakshi, Advocate with Ms.
Bhanita Patowary, Advocate

(15)

versus

GNCT OF DELHI & ORS.

..... Respondent

Through: Mr. Sanjiv Joshi, Advocate for
R2/Workman

+ W.P.(C) 7070/2010
(arising from order dated 20.03.2010 in I.D. No. 369/2009)

AIR FORCE SR SEC SCHOOL

..... Petitioner

Through: Mr. K.K.Sharma, Sr. Advocate with
Mr. Rajiv Bakshi, Advocate with Ms.
Bhanita Patowary, Advocate

versus

GNCT OF DELHI & ORS.

..... Respondent

Through: Mr. Sanjiv Joshi, Advocate for
R2/Workman

+ W.P.(C) 7071/2010
(arising from order dated 26.02.2010 in I.D. No. 378/2009)

AIR FORCE SR SEC SCHOOL

..... Petitioner

Through: Mr. K.K.Sharma, Sr. Advocate with
Mr. Rajiv Bakshi, Advocate with Ms.
Bhanita Patowary, Advocate

versus

GNCT OF DELHI & ORS.

..... Respondent

Through: Mr. Sanjiv Joshi, Advocate for
R2/Workman

+ W.P.(C) 7072/2010
(arising from order dated 26.02.2010 in I.D. No. 374/2009)

AIR FORCE SR SEC SCHOOL

..... Petitioner

Through: Mr. K.K.Sharma, Sr. Advocate with
Mr. Rajiv Bakshi, Advocate with Ms.
Bhanita Patowary, Advocate

versus

GNCT OF DELHI & ORS.

..... Respondent

Through: Mr. Sanjiv Joshi, Advocate for
R2/Workman

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

%

04.04.2013

These writ petitions have been preferred by the Management of Air Force Senior Secondary School, OWC, Race Course, New Delhi, to assail similar Awards made by the Labour Court in the above cases, details whereof are mentioned hereinabove. These Awards have been rendered in the direct petitions preferred by each of the respondent workmen under Section 10 (4A) of the Industrial Disputes Act, 1947 (the Act) as applicable to Delhi, to assail their retrenchment/termination from service on 15.03.2008. The respondent workmen had assailed the same on the ground of the same being in breach of Section 25-F of Act. The Labour Court has allowed the claims of each of these respondents and directed their reinstatement in service with 50% back wages.

The case of each of the respondents in their statements of claim was

that the petitioner management is running a school and they had been working as conductor/helpers with the petitioner-management. The dates from which each of the respondents claimed that they were engaged by the petitioner, are as follows:

S.No.	Writ petition number	Name of workman	Date/year in which workman was engaged by the petitioner-Management
1.	7060/2010	Karan Singh	2004
2.	7061/2010	Vicky Singh	01.06.1997
3.	7062/2010	Ranjit Kumar	02.06.2003
4.	7063/2010	Shatrughan	2004
5.	7064/2010	Deepak	2005
6.	7065/2010	Arun Kumar	13.04.2002
7.	7066/2010	Jaivinder Pal	01.06.1997
8.	7067/2010	Banwari Lal	1997
9.	7068/2010	Ram Bunt	1998
10.	7069/2010	Dharmendra	2006
11.	7070/2010	Surender - I	1999
12.	7071/2010	Pramod Kumar	01.11.2006
13.	7072/2010	Nand Kishore	23.02.2006

The case of the respondents was that though they were being made to

work from 6.00 a.m. to 4.00 p.m., they were not being paid all dues payable as per law and they were not being paid overtime, leave encashment, wages as per the Minimum Wages Act etc. They averred that they preferred their claims before the minimum wages authority which annoyed the Management, and consequently, the Management retrenched the workmen from 15.03.2008. They raised their demands but to no avail. Consequently, they preferred their claim petitions before the Labour Court, which are similar.

The petitioner filed its written statement in each of these claim petitions. The common case of the petitioner was that the workmen had been engaged only on the post of part time daily wagers. They were working in the school transport at 1412, Air Force Station and they were being paid daily wages from time to time. It was denied that the workmen were drawing a monthly salary. The working hours claimed by the workmen were also denied. It was stated that the workmen were required to work for not more than two hours in the morning, and two hours in the evening. It was stated that the workmen had been engaged to pick up children from different places in the morning and to bring them to school and for this purpose, the workmen were required to report for duty at 6.00 a.m. as the classes start from 8.00 a.m. and after bringing the children, the workmen were free for the entire day and they had to perform their duties only after the classes were over as they had to drop the children back to their homes. It was stated that the workmen used to sit idle for most part of the day and payment was being made to the workmen in accordance with the nature of their duties. The right to claim wages under the Minimum Wages Act was

denied on the ground that the workmen had not been engaged in any scheduled employment. It was also claimed that the workmen had worked on daily wage basis and they absented themselves from duty without information to the Management. Consequently, the Management had no option but to arrange for other persons to work in place of the respondents, as the school going children were travelling in the bus regularly and persons were required to look after them. It was denied that the petitioner-Management had asked the workmen not to report for duty.

The respondents-workmen filed their respective affidavits by way of evidence towards examination-in-chief wherein they primarily reiterated the averments made in their respective statements of claim. The workmen were cross-examined by the Management. The Management also led its evidence towards examination-in-chief on affidavit and the Management also reiterated its case as set out in their written statement. During cross-examination of the Management's witness MW1 P.K.Pashupalak, Warrant Officer, Incharge School, Air Force Station, OWC, Race Course, New Delhi, he admitted that the workmen were working as part time daily wagers. He also admitted that the school keeps workmen on part time daily wages from local area without issuing any appointment letter to them. He also admitted that the Management does not keep any record regarding attendance of part time daily wagers. He stated that the Management is not maintaining any register in regard to the daily wagers. He stated that the salary to the workmen was paid out of collection of funds from the parents of school children under a separate head for keeping a conductor for the safety of the children. He stated that the workmen had left their job on their

own on 15.03.2008. He also admitted that the Management did not issue any letter to the workmen to resume their duties and the reason given for the same was that they were not regular employees.

The Labour Court, after considering the evidence of the parties held the retrenchment of the respondent workmen to be illegal and, consequently, directed their reinstatement with 50% back wages.

Learned Senior Counsel for the petitioner has made two submissions to attack the Award. The first submission of learned Senior Counsel for the petitioner is that to seek protection under Section 25-F of the Act it was imperative for each of the workmen to plead and prove that they had worked for at least 240 days in the year preceding their termination. Learned Senior Counsel submits that the respondents did not make any pleading to the aforesaid effect in their statements of claim. He submits that the onus to prove that each of the workmen had worked for 240 days or more in the year preceding their respective termination was on the workmen. He further submits that a mere self serving statement of the workmen to this effect is not sufficient as held by the courts in several decisions. He submits that in the present cases, the workmen had not even made such an averment - let alone led any evidence, to show that each of them had served the management for 240 days in the year preceding their termination. He submits that, consequently, the respondents were not entitled to protection under Section 25-F. Even if it were to be assumed that the services of the respondents were terminated by the petitioner, the same cannot be labelled as illegal retrenchment in breach of Section 25-F of the Act. In support of the aforesaid submission, learned Senior Counsel has placed reliance on

R.M.Yellatti Vs. Asstt. Executive Engineer (2006) 1 SCC 106 and *Manager, R.B.I., Bangalore, Vs. S. Mani and others* AIR 2005 SC 2179.

The second submission of the learned senior counsel for the petitioner is that the appointment of each of the respondent workmen was not made in a regular manner against existing vacancies and by following the recruitment rules. He submits that the petitioner-school is governed by the provisions of Delhi School Education Act, 1972. The appointment of the respondents could not have been made in breach of the said Act. Consequently, it cannot be said that they would enjoy the protection of Section 25-F of the Act. In support of this submission, he places reliance on *Himanshu Kumar Vidyarthi and others Vs. State of Bihar and others* AIR 1997 SC 3657.

On the other hand, learned counsel for the respondent submits that the workmen had made clear averment in their respective statements of claim to the effect that they had been working continuously till the date of their termination. The period for which each of the workmen had worked was about two years or more as would be evident from the aforesaid tabulation. Learned counsel submits that the petitioner did not controvert the aforesaid position in their written statements. They did not claim that the employment of the respondents was not on a continuous basis for the aforesaid period. On the contrary, the averments of the petitioner in their written statements shows that the respondents were performing work of a perennial nature i.e. of picking up and dropping the school children on a daily and continuous basis. It is also pointed out that even in the cross-examination of the workmen, it was not put to them that they had not worked for 240 days in

the year preceding their termination, and no such statement was made by the petitioners/management's witnesses in his examination-in-chief. Learned counsel for the respondents has also placed reliance on the discussion found in the impugned Award in this respect which reads as follows:-

"In the present case the management has not specifically stated in the written statement as to from which date the workman was working as daily wager. The management has vaguely denied salary of the workman without mentioning the exact salary and moreover it has not specifically denied the date of appointment. Further in the written statement the management has not taken the plea that the workman has not worked for more than 240 days with the management. Further no documents are produced by the management to prove the length of service of the workman. During the cross-examination, it is admitted by MW1 that they did not issue any appointment letter to the workman while keeping them on part-time duty as daily wager nor they keep any record regarding attendance of part-time daily wager. It is stated that the management is not maintaining any register with regard to the daily wager. It is further stated that without seeing the record he cannot tell as to what was the salary of the workman. In the absence of this, the statement of the workman is taken as correct that he was working with the management since 2004."

Having heard learned counsel for the parties, perused the impugned Award and considered the respective submissions in the light of the decisions relied upon by the parties, I am of the view that there is no merit in these petitions and the impugned Awards do not call for any interference by this Court in the exercise of its writ jurisdiction. The primary submission of Mr. Sharma, learned Senior Counsel for the petitioner is that the respondent-workmen had not specifically averred that they had worked for 240 days or

more in the year preceding their termination. This submission is absolutely meritless. In their respective statements of claim, the workmen had clearly averred with regard to the date of their engagement and date of retrenchment. As would be seen from the aforesaid tabulation, the said dates are separated by about two years or more. They had averred that they had been working since their appointment as conductors/helpers on a monthly salary. They had also averred that they had been working between 6.00 a.m. to 4.00 p.m. and sometimes overtime also. They had also disclosed the nature of their duties which were, inter alia, to pick up and drop off school children. Let alone the pleading of having worked for 240 days or more in the year preceding their termination, they had claimed that they have been continuously working for years together as disclosed in their statements of claim and noted hereinabove. In contrast, the petitioner in their written statements did not deny the said averments of the workmen. The primary defence of the petitioner was that the respondents were engaged only on part time basis on daily wages. Their averment was that they had to work for two hours in the morning from 6.00 a.m. onwards and for two hours in the afternoon. It was their own case that the workmen used to sit idle in the interregnum. The petitioner also disclosed that the nature of work was to pick up and drop off school children everyday-thereby clearly admitting the perennial and continuous nature of the work on daily basis. In fact the petitioner pleaded that due to the respondents not reporting for work, they had to engage others to carry out the said duties because of the continuous and perennial nature of the job. Not having raised any plea to dispute the respondent's workmen claim of continuous service for the periods indicated hereinabove, the issue that the workmen had worked for periods less than

240 days in the year preceding their termination did not even arise for consideration by the Labour Court. No doubt, if such an issue were to be raised, the onus to prove the same would have fallen upon the workmen. However, if no dispute or issue arises on the basis of the pleadings, there is no question of the issue being framed or the onus being cast upon the workmen. In *R.M. Yellatti (supra)*, the workman had established that he had worked for more than 240 days by calling upon the employer to produce the relevant record which had not been produced. The High Court held against the workmen by holding that the workmen had failed to establish that he had worked for 240 days in the year preceding his termination. The Supreme Court upset the said decision on the ground that the Management had been called upon to produce its records which the Management had failed to produce. Consequently, an adverse inference has been drawn against the Management. In para 17 of the said decision, the Supreme Court held as follows:-

17. Analysing the above decisions of this Court, it is clear that the provisions of the Evidence Act in terms do not apply to the proceedings under Section 10 of the Industrial Disputes Act. However, applying general principles and on reading the aforesaid judgments, we find that this Court has repeatedly taken the view that the burden of proof is on the claimant to show that he had worked for 240 days in a given year. This burden is discharged only upon the workman stepping in the witness box. This burden is discharged upon the workman adducing cogent evidence, both oral and documentary. In cases of termination of services of daily-waged earners, there will be no letter of appointment or termination. There will also be no receipt or proof of payment. Thus in most cases, the workman (the claimant) can only call upon the employer to produce before the court the nominal muster roll for the given period,

the letter of appointment or termination, if any, the wage register, the attendance register, etc. Drawing of adverse inference ultimately would depend thereafter on the facts of each case. The above decisions however make it clear that mere affidavits or self-serving statements made by the claimant workman will not suffice in the matter of discharge of the burden placed by law on the workman to prove that he had worked for 240 days in a given year. The above judgments further lay down that mere non-production of muster rolls per se without any plea of suppression by the claimant workman will not be the ground for the Tribunal to draw an adverse inference against the management. Lastly, the above judgments lay down the basic principle, namely, that the High Court under Article 226 of the Constitution will not interfere with the concurrent findings of fact recorded by the Labour Court unless they are perverse. This exercise will depend upon the facts of each case.

The Supreme Court observed in the aforesaid paragraph that it had repeatedly been held that the burden of proof is on the claimant to show that he had worked for 240 days in a given year. The question of "burden of proof" would arise only in respect of a fact which is in dispute and which is not admitted. In the present case, the petitioner did not dispute the respondent's claim that they had been working continuously from the dates of their appointment till the date of their termination. Consequently, there was no question of the burden of proof falling upon the workmen to establish that they had worked for the said period continuously. It is also pertinent to note that the managements witness had stated in his cross examination that the petitioner did not maintain any record of employment of the respondents – neither their appointment letters nor attendance record.

In these circumstances there was no occasion for the respondents to require the petitioner to produce the said record. The fact that the respondents did not require the petitioner to produce the said record, therefore, cannot be considered as their "failure" to establish their period of engagement. The decision in *S.Mani and others (supra)* relied upon by the petitioner is also of no avail. This case concerns Ticca Mazdoors. The Supreme Court in the opening paragraphs itself noticed the peculiarity of such appointment by observing, "*Ticca mazdoors are intermittently appointed by Reserve Bank of India whenever absence of regular Class IV employees takes place. They are not engaged every day or continuously. Their engagement depends upon the need of the appellant. They are never regarded as regular mazdoors. Two waiting lists are maintained by the appellant. The first waiting list contains the names of such of them who may be appointed as regular mazdoors whereas the second list is maintained for those who are to be engaged as ticca mazdoors. The names of the respondents figured in the second list. They were appointed in the said category as ticca mazdoors between the period 14-3-1980 and 8-8-1982.....*" I may also note that this was a case where the workmen had been proceeded in criminal courts on the charge of having produced forged and fabricated certificates to seek employment. Though, they had been acquitted by the criminal court, the Supreme Court rejected the contention of the workmen that they had not produced forged and fabricated certificates, or that the same had been fabricated at the instance of some officers of the Reserve Bank of India. While doing so, the Supreme Court referred to several decisions wherein the said Court had earlier commented on the standard of proof required in a domestic enquiry *vis a vis* a criminal trial. For these reasons, the decision in

S.Mani (supra) cannot have a universal application and would not apply to cases like the present, as in the present cases the respondents were, undisputedly, not ticca mazdoors.

For a workmen to become entitled to protection under Section 25-F of the Act, all that is required is to show that the workman has worked in the industry continuously for not less than one year under the employer. The definition of the expression, "continuous service" is contained in Section 25-B of the Act which states that a workmen shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of the sickness or authorised leave or an accident or a strike which is not illegal or a lock-out or a cessation of work which is not due to any fault on the part of the workman. Where a workman is not in continuous service within the meaning of clause (1) of Section 25-B for a period of one year or six months, he shall be deemed to be in continuous service under an employer for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which the calculation is to be made, has actually worked under the employer for not less than, inter alia, 240 days. In the present case, as aforesaid, the petitioner pleaded continuous engagement running into a couple of years and even more as per the tabulation aforesaid. Therefore, the workmen were able to show that they had worked for more than 240 days and this was not even disputed by the petitioner.

So far as the second submission of learned counsel for the petitioner is concerned, I may only observe that the Act does not make a distinction

between the workmen on the basis of the nature of their appointment i.e. whether it is made on regular basis, on temporary, ad hoc basis or, as daily wager.

Reference may be made to the Division Bench judgment of the Madras High Court in *The President, Srirangam Cooperative Urban Bank Ltd. vs. the The Presiding Officer, Labour Court, Madurai & Anr.*, 1996 II LLJ 216. The Division Bench held that Section 25 does not make a distinction whether the appointment has been made in accordance with law or not. The factum of employment is what is relevant and not the legality or otherwise of it. In *P.D. Jat vs. Alwar Sahakari Bhumi Vikas Bank Ltd. and Ors.*, 1991 II LLJ 130, a Division Bench of the Rajasthan High Court considered the case of termination of services of the workmen on the ground that the appointment was irregular. The retrenchment was not in accordance with Section 25-F of the Act. The Rajasthan High Court held that Section 25-F was attracted. Similarly, the Division Bench of the Madhya Pradesh High Court in *Rajesh Kumar and Ors. vs. State of M.P. and Ors.*, 1994 II LLJ 320 also held that though the termination of the services of workmen has taken place on the ground that the appointment was invalid, the provisions of Section 25-F have still to be complied with. It was held that an invalid appointment was not one of the exceptions found in Section 2(oo) of the Act and that any retrenchment not falling under any one of the exceptions carved out within Section 2(oo) of the Act would amount to retrenchment and for such retrenchment conditions prescribed in Section 25-F of the Act are required to be complied with. Non-compliance of the said conditions would render the termination illegal. Reference may also be made to the judgment of the Patna High Court in *Mithilesh Kumar Singh v.*

State of Bihar and Ors., 1995 I LLJ 973.

Pertinently, the petitioner has failed to point out any fact to suggest that the respondents/workmen were disqualified for appointment as bus conductors/helpers. It is not the petitioner's case that the petitioner had terminated the services of the respondents on account of their not possessing any particular qualification, or on account of their appointments being illegal. The petitioner's case was that the respondents had abandoned their services all of a sudden and without any reason with effect from 15.03.2008. This stand of the petitioner appears to be wholly unacceptable. It seems wholly improbable that all the 13 workmen would, in one go, abandon their services for no rhyme or reason particularly, when it is not easy to find alternate employment.

Reliance placed on the decision of the Supreme Court in *Himanshu Kumar Vidyarthi* (supra) is of no avail. In that decision, the Supreme Court was primarily of the view that the employer could not be classified as an industry. The decision in *Himanshu Kumar Vidyarthi* (supra) has received due consideration in *Management of Horticulture Department of Delhi Administration vs. Trilok Chand & Anr.*, 82 (1999) DLT 747. This Court dealt with the decision in *Himanshu Kumar Vidyarthi* (supra) in the following manner:-

"22.....However, a close look would show that the case was mainly decided on the ground that the concerned department namely, Cooperative Training Institute, Deogarh was not to be treated as "industry" within the meaning of Section 2(j) of the Act and further in this case Supreme Court did not take into consideration the earlier case decided by it holding to the contrary and as noticed above. Not only this even

in the following subsequent judgments, Supreme Court has taken the view that provision of Section 25-F would be applicable even in a case of daily rated workman. These cases are:

1. *Rattan Singh vs. Union of India*, reported in (1997)11SCC396.

2. *Municipal Corporation of Delhi vs. Praveen Kumar Jain*, reported in (1998) 9 SCC 468.

3. *Samishta Dubey vs. Etawah* reported in 1999 LLR 460 (SC).

23. In view of the aforesaid restatement of law as recent as in 1999 as well, I respectfully follow the same in preference to the view expressed in the case of **Himanshu Kumar Vidyarthi and others Vs. State of Bihar and others** (supra). Accordingly, this point is also decided against the petitioner."

Consequently, the decision in **Himanshu Kumar Vidyarthi** (supra) has no application in the facts of the present case.

I, therefore, find no merit in the second submission of the petitioner.

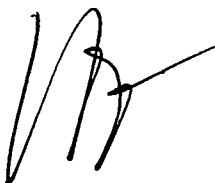
For all the aforesaid reasons, the writ petitions being meritless are dismissed with costs quantified at Rs. 7,500/- in each case.

At this stage, Mr. Sharma, learned Senior Counsel submits that another agency has since been engaged to do the work that the respondents were doing, as per the guidelines of the Supreme Court. I may note that no such averment has been made either in the writ petition or in any other pleading before this Court and the petitioner has not placed before this Court the guidelines claimed to have been framed by the Supreme Court or the details of the persons claimed to have been appointed, and the capacity in which they have been appointed. I, therefore, reject this submission of the petitioner.

+C.M. Appln. No. 11576/2012 in WP(C) No. 7060/2010
+C.M. Appln. No. 11574/2012 in WP(C) No. 7062/2010
+C.M. Appln. No. 11578/2012 in WP(C) No. 7063/2010
+C.M. Appln. No. 11577/2012 in WP(C) No. 7066/2010
+C.M. Appln. No. 11580/2012 in WP(C) No. 7067/2010
+C.M. Appln. No. 11579/2012 in WP(C) No. 7068/2010
+C.M. Appln. No. 11573/2012 in WP(C) No. 7069/2010
+C.M. Appln. No. 11581/2012 in WP(C) No. 7070/2010
+C.M. Appln. No. 11575/2012 in WP(C) No. 7071/2010

I have today dismissed the above writ petitions preferred by the Management. The replies in the present applications under Section 17B have not been filed by the petitioner. Consequently, these applications are not being disposed of. The petitioner may file the reply, if any, to these applications within four weeks. Rejoinder, before the next date.

List on 23.05.2013. The scope of the present applications shall be limited for consideration of payment of wages for the period beginning from the date of the respective Awards uptill today, as the writ petitions stand disposed of.


VIPIN SANGHI, J.

April 04, 2013
 sl