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

Date of Decision: September 15, 2015

+ **W.P.(C) 8807/2015**

R.K. PANDIT GENERAL SECRETARY Petitioner
Through: Ms. Vertika Sharma, Advocate

versus

GOVT. OF NCT OF DELHI AND ORS.Respondents
Through: Nemo

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

CM APPLN.19649/2015 (Exemption)

Allowed subject to all just exceptions.

W.P.(C) 8807/2015

In this petition, a *Mandamus* is sought to respondents for making a reference in respect of complaints (*Annexure-C colly.*) to the competent Labour Court/Industrial Tribunal for adjudication.

Petitioner is the General Secretary of Nagar Nigam Karamchari Sangh, Delhi Pradesh and is also the General Secretary of Indian National Trade Union Congress of Delhi Pradesh and petitioner-*Sangh* had made various complaints to the Deputy Labour Commissioner (Distt.- South),

Labour Department, Government of NCT of Delhi and the reconciliation proceedings undertaken by the Reconciliation Officer have failed. It is submitted that for no reason whatsoever, third respondent is keeping petitioner's complaints pending and is not referring them to the concerned Labour Court for adjudication.

Attention of this Court is drawn to a Communication of 25th May, 2015 (*Annexure-F*) and another Communication of 8th June, 2015 (*Annexure-G*) to point out that some of the complaints have been referred to the Labour Court for adjudication but many of the complaints have not been referred to the concerned Labour Court despite conciliation having failed.

Despite service of advance notice of this petition, none appears on behalf of respondents.

It is evident from the Communications (*Annexures F & G*) from third respondent to petitioner that the concerned Conciliation Officer has been put on duty at Head Quarter on "*Sharmik Helpline*" and as soon as he is relieved from the Head Officer duty, the cases will be referred to Labour Court for adjudication.

At this stage, learned counsel for petitioner submits that second respondent is to relieve the concerned Conciliation Officer so that the pending complaints can be referred to the Labour Court for adjudication at the earliest. It is pointed out that many of the complaints are pending since the year 2013.

If it is so, then second respondent is called upon to ensure that the concerned Conciliation Officer is relieved forthwith from his additional duties so that third respondent can refer the pending complaints to the

concerned Labour Court for adjudication. Since the concerned Conciliation Officer is to be relieved by first respondent from the *Sharmik Helpline*, therefore, it is deemed appropriate to call upon first respondent as well to ensure that the concerned Conciliation Officer is forthwith relieved so that his pending work does not suffer i.e. of referring the complaints in question to the concerned Labour Court.

Let the needful be done within a period of six weeks. Respondents be apprised of this order forthwith.

With aforesaid directions, this petition is disposed of with liberty to petitioner to avail of the remedies as available in law, if need be.

Dasti.

(SUNIL GAUR)
JUDGE

SEPTEMBER 15, 2015

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