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

LPA 46/2016 & C.M.Nos.2448-2451/2016

RAJ PAL DUHAN (DECEASED) THR LRS. Appellants

Through: Mr.Rajat Sharma, Advocate

versus

HOTEL TAJ PALACE

..... Respondent

Through: Mr.Vinay Bhasin, Sr.Adv. with
Ms.Poonam Das, Advocate

LPA 47/2016 & C.M.Nos.2456-2459/2016

JAGAT SINGH

..... Appellant

Through: Mr.Rajat Sharma, Advocate

versus

HOTEL TAJ PALACE

..... Respondent

Through: Mr.Vinay Bhasin, Sr.Adv. with
Ms.Poonam Das, Advocate

+ **LPA 48/2016 & C.M.Nos.2460-2463/2016**

L L SHAH

..... Appellant

Through: Mr.Rajat Sharma, Mr.Sarfraz Khan
and Mr.Ataur Rehman, Advocates

versus

HOTEL TAJ PALACE

..... Respondent

Through: Mr.Vinay Bhasin, Sr.Adv. with
Ms.Poonam Das, Advocate

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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06.04.2016

1. We have heard counsels for the parties. The short grievance of

the appellants is that the Single Judge has directed the remand, disagreeing with their submission.

2. The respondents/management had initially moved the Industrial Tribunal under Section 33 (2) (b) of the Industrial Disputes Act seeking appropriate approval. During the pendency of those proceedings the workman has sought and obtained a reference under Section 10. On account of this development the management has withdrawn its application on payment of cost to the appellants. The Industrial Tribunal took note of this development and held that the dismissal was illegal. That award has been set aside by the Single Judge who merely remitted the matter for decision on the merits of the respondent's/management's action i.e. whether the appellants' dismissal was fair and justified.

3. The appellants sought to rely upon the Constitution Bench Judgment in *Jaipur Zila Sahakari Bhoomi Bank Ltd. Vikas vs. Shri Ram Gopal Sharma and Others JT 2002 (1) SC 182*. This Court is of the opinion that the context of this case is peculiar. The factual situation here is entirely different; in *Jaipur Zila Sahakari Bhoomi Bank Ltd. Vikas's* case (supra) the management had not withdrawn the application under Section 33 (2) (b) in the background of a reference of the appropriate government.

4. In view of the above discussion, the impugned judgment does not call for interference. The Industrial Tribunal is however required to complete its proceedings and render a final award at its earliest convenience preferably within four months from today.

5. The appeals are dismissed in the above terms. All the pending applications also stand disposed of.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

APRIL 06, 2016

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