

\$~28

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 4428/2014 & C.M.No.8852/2014
IRCON INTERNATIONAL LTD. Petitioner

Through: Mr.A.P.Nagrath, Adv.

versus

HARI OM SHARMA Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **27.09.2016**

None appears for the respondent since the last three dates. There is no appearance even today. The case was taken up on 24.07.2014 wherein the Court observed as under:

“The petitioner has called into question an order dated 20.01.2014 passed by the Central Government Industrial Tribunal in ID No. 15/2010. The Tribunal has held that since reference had been made, it has no option but to adjudicate the same. The petitioner states that the issue in question had already reached different courts and had not only been considered by this court but also by the Supreme Court. In similar cases, it has been held that the petitioner could, on completion of the projects, dispense with the employment of the workmen who were employed in those projects. It is submitted by the learned counsel for the petitioner that the said issue could be decided at the threshold by the Tribunal without conducting a full trial.”

The learned counsel for the petitioner submits that the Delhi Mathura Project, project for which the workmen were employed came to an end in 1998. They were employed specifically for the Project, therefore, they could not be considered as regular employees or regular workmen of the

petitioner corporation. The aforesaid issue stands settled by a wide catena of judgments of the Supreme Court in a number of similar cases. Therefore, this issue is no more res integra. The learned counsel for the petitioner relied upon a decision of this Court in an identical matter by a common order cited as W.P.(C) No.10941/2004 in the case of M/s Ircon International (the present petitioner) vs. UOI dated 13.07.2011. In the aforesaid cases, after the completion of the project, 169 workers were terminated from service. Some workmen impugned the said termination order which resulted in a reference. Subsequently, an industrial dispute was raised after which proceedings were initiated by the CGIT, and an Award was given in the favour of the workmen. The said Award was impugned and this court held that the Award itself was bad in law. This petition arises out of a reference made by the same batch of workmen whose services were terminated by the aforesaid Award. Their circumstances are no different from what has been determined earlier both by the Industrial Tribunal as well as by this Court. The LPA and SLP preferred against the said order of the learned Single Judge were also dismissed.

In the circumstances the Industrial Tribunal shall consider the averments made by the petitioner and the Government of India shall determine the maintainability of the reference made to it. The impugned Award is accordingly set aside. The CGIT is requested to adjudicate on the maintainability of the reference within six months.

Writ petition is disposed off.

NAJMI WAZIRI, J

SEPTEMBER 27, 2016*/mr*