

\$~15

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

+ **W.P.(C) 7129/2016**

**GURU TEGH BAHADUR HOSPITAL EMPLOYEES
ASSOCIATION, DELHI**

..... Petitioner

Through: Mr. Narender Kumar Sharma, Adv.

versus

**MEDICAL DIRECTOR ,GTBH, DELHI
AND ANR**

..... Respondents

Through: Adv. (appearance not given)

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

%

24.10.2016

CM No. 29322/2016 Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 7129/2016 & CM No. 29323/2016 (stay)

The petitioner Guru Teg Bahadur Hospital Employees Association (hereinafter referred to as the petitioner Association) has filed the present petition seeking a direction to the respondent to allow the petitioner Association to conduct due elections to its working committee/Executive Committee for the year 2016-17 in Room No. 107, First Floor, MRD Block, Guru Teg Bahadur Hospital, Dilshad Garden, Delhi – 110095. Further, the petitioner seeks quashing of letter dated 12.05.2016, 02.06.2016, 11.06.2016 and

25.07.2016 wherein one Guru Teg Bahadur Hospital Health Employees Union/Association (hereinafter referred to as “Health Union”) has been granted recognition by the respondent hospital and has been allotted Room No. 107 and the petitioner Association has been directed to hand over the keys of Room No. 107 to the Health Union.

Learned counsel for the respondent who appears on advance notice submits that the petitioner is not a recognized association and was merely permitted to use Room No. 107 for keeping some assets/items in the said room for the time being. It is was directed that the permission to use Room No. 107 was not to be treated as recognition of the Union/Association. The petitioner has not impugned the move of the respondent in not recognizing the petitioner Association.

Learned counsel for the respondent submits that the respondent had received the complaints with regard to functioning of the several Associations/Unions including the petitioner Association and on 11.04.2015 had directed all the Associations/Unions to furnish certain documents. It is contended that, very conveniently, the petitioner submitted a reply on 26.04.2015 contending that the documents sought for by the petitioner had been lost and an FIR has been registered. Perusal of the FIR shows that the same was registered on 13.04.2015 and there are no details as to how the documents were lost and in what circumstances and by whom.

Since there is no documents filed or produced by the petitioner to show that the petitioner is recognized by the respondent. The

petitioner has not even shown that there was an allotment to the petitioner of Room No. 107 except for showing that petitioner was permitted to use Room No. 107. However, no document has been produced on record to show as to in which capacity the petitioner was entitled to use Room No. 107. The petitioner does not have any allotment in its favour. The petitioner does not claim to be a lessee or a licensee in respect of the said Room.

Since the petitioner has not been able to establish any right to retain possession of the said Room, I find no merit in the petition. Accordingly, the petition is dismissed.

SANJEEV SACHDEVA, J

OCTOBER 24, 2016

'rs'