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

+ W.P.(C) 3780/2015, CM APPL. 6744/2015 (stay)

CMS SECURITAS LTD. & ITS GROUP OF COMPANIES

MAZDOOR CONGRESS

..... Petitioner

Through: Ms. Neha Mishra, Advocate

versus

THE LABOUR COMMISSIONER, GOVT. OF

NCT OF DELHI & ORS

..... Respondents

Through: Mr. Peeyoosh Kalra, ASC, GNCTD
with Ms. Sona Babbar, Adv. for respondent Nos. 1
& 2.

Ms. Poonam Das, Adv. for respondent No. 3

Ms. Vertika Sharma, Adv. for R-5

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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05.10.2016

The learned counsel for respondent Nos. 1 & 2 submits that identical reliefs have been pursued by the petitioner before the Assistant Labour Commissioner i.e. before R-1 & R-2. He submits that the petitioner's representation was filed prior to filing of the present writ petition, therefore the same remedy cannot be pursued by the petitioner in this Court. Furthermore, para 13 of the writ petition states that the petitioner has not availed any alternate efficacious remedy elsewhere which is a wrong statement.

The learned counsel for the petitioners seeks time to obtain instructions.

The case was passedover for the learned counsel for the petitioner to obtain instructions whether they would like to pursue this petition or the case pending before the Asstt. Labour Commissioner. The learned counsel for the petitioner states upon instructions that they would like to pursue the latter option.

The learned counsel for respondent nos. 1 & 2 submits that the case before the Asstt. Labour Commissioner already stands closed due to non-prosecution of the same by the petitioner.

The learned counsel for the petitioner submits that she will move an application/ petition, as may be appropriate in law, before the Asstt. Labour Commissioner or other fora.

Accordingly, the writ petition is dismissed as withdrawn with liberty to the petitioner to pursue its remedies as may be available in law.

NAJMI WAZIRI, J

OCTOBER 05, 2016/acm/kk