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

+ W.P.(C) 4953/2014

DELHI STATE ELECTRICITY WORKERS UNION
(REGD. & RECOGNISED) AND ORS

..... Petitioners

Through: Mr Salim Inamdar and Mr Amit
Agrawal, Advocates.

versus

GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr Satyakam, Advocate for GNCTD.
Mr Sumeet Pushkarna, Mr Sahil Ghai,
Advocates for R-2/DVB Pension
Trust with Mr P. Narayanan,
Consultant.
Ms Nandita Rao, Advocate for R-14
to 17.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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13.07.2017

1. The petitioners have filed the present petition, *inter alia*, praying as under:-

- “(i) issue an appropriate writ or order quashing the impugned notification no. F. 11 (119) / 2013 /power/ 2250 dated 21.07.2014 issued by the Respondent No.1;
- (ii) Issue an appropriate writ or order directing that the unanimous nominees of the Petitioners be appointed by the Respondent No.1 on the Board of Trustees of Respondent no.2;
- (iii) award costs against Respondent No.1 in favour of the Petitioners.”

2. The grievance of the petitioners essentially pertains to the appointment of representatives of employees as trustees of the Delhi Vidyut Board Employees Terminal Benefit Fund, 2002 (hereafter 'the Trust'). The Trust was created pursuant to a tripartite agreement entered into between the Government of NCT of Delhi, the erstwhile Delhi Vidyut Board (DVB) and DVB Joint Action Committee, which consisted of several associations including the petitioners herein.

3. The petitioners contend that they have the support of majority of the employees of the successors of DVB (the utility companies) and, therefore, have the right to select the representatives of the employees to be appointed as trustees of the Trust. Although it is not disputed that four representatives of the employees have to be appointed as trustees, the respondents are not willing to accede that the right to select is with the petitioners as there are other employee associations also. This has been the bone of contention since 2010.

4. In order to discuss the issue regarding appointment of the trustees, in the context of the representatives of the employees that were to be appointed in 2014, a meeting was convened by the Principal Secretary, GNCTD on 30.06.2014 where several employee unions/associations were called and representatives of most of them participated in the said meeting. The petitioners, however, did not participate in the said meeting.

5. It is stated that a consensus was arrived at between all the participants at that meeting and four names were suggested to be appointed as employees' representatives on the Board of the Trust. They were subsequently so appointed. This is a subject matter of challenge in the

present petition.

6. Admittedly, the term of the trustees so appointed would come to an end on 20.07.2017 and a process of selection is required to be undertaken to nominate a fresh set of representatives.

7. In the aforesaid circumstances, no relief in the present petition can be granted at this stage. However, it is apparent that this issue would continue to fester unless it is conclusively resolved. In the circumstances, the present writ petition is disposed of by directing Chief Secretary, Government of NCT of Delhi to formulate transparent procedure for selection of the employees representatives to be appointed as trustees of the Trust. The Chief Secretary shall also take assistance of the Labour Commissioner, GNCTD for drawing up the said protocol which would be widely shared with all employees of the five successor companies of DVB. It is expected that the said exercise will be completed within a period of one month from today. The views of employee associations will also be considered while evolving such procedure.

8. The petition is disposed of.

9. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

JULY 13, 2017
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