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

+ **W.P.(C) 6266/2016 & C.M.25635/2016**

SAMARENDRA DAS Petitioner

Through: Mr. Gautam Bhol, Advocate

versus

GOVT.OF NCT OF DELHI & ANRRespondents

Through: Mr. Ankur Chhibber, Advocate for
respondent No.1

Mr. Jitesh Pandey, Advocate for
respondent No.2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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04.05.2017

The only relief sought by petitioner in this petition is that the pending Reference be considered also for salary/wages from July to December, 2003 and COD Settlement (Arrears) from 1st April, 2004 to November, 2006 be also adjudicated upon. Vide order of 22nd July, 2016, first respondent was called upon to seek instructions and to explain as to why the aforesaid period has been excluded from Reference.

Learned counsel for respondent No.1 draws the attention of this Court to order of 9th September, 2009 vide which earlier Reference was made. The terms of Reference as indicated in the order of 9th September, 2009 are reproduced as under: -

*“Whether Sh. Samarendra Das S/o Shri Bhagban Das
has abdoned his job on his own or his services have been*

illegally and/or unjustifiably terminated by the management; and if yes, to what relief is he entitled and what directions are necessary in this respect?”

Learned counsel for respondent No.1 submits that if petitioner succeeds in the first Reference of 9th September, 2009, then he would be getting the relief for the period in question as well and otherwise also, in view of Communication of 10th July, 2012 of Inspecting Officer of Labour Department (Annexure P-6), the period in question has to be considered while adjudicating upon the first Reference of 9th September, 2009.

At this stage, learned counsel for respondent No.2 informs that the first Reference is pending before the concerned Labour Court at the stage of cross-examination of petitioner. Since the period in question is specifically not reflected in the order of 9th September, 2009, therefore, both the sides submit at this stage that let the period in question be included in the second Reference of 5th August, 2015 (Annexure P-10), which is pending before the concerned Industrial Tribunal at the pleadings stage.

In view of aforesaid, this petition and the application are disposed of while permitting petitioner to amend the ‘Statement of Claim’ to incorporate the period in question within a week with copy to opposite side.

Respondents shall have two weeks’ time to respond to the amended claim petition and thereafter, the matter be proceeded further in accordance with law and with expedition.

This petition and the application are disposed of with directions as aforesaid.

(SUNIL GAUR)
JUDGE

MAY 04, 2017

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