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

+ W.P.(C) 9530/2017

N G LAKSHMINARAYAN & ORS Petitioners
Through: Mr.Zakir Hussain, Advocate

versus

UNION OF INDIA & ANR Respondents
Through: Mr.Vivekanand Mishra, Advocate with
Mr.Vipul Agrawal, Advocate for R-1

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
% **30.10.2017**

1. The petitioners, who are 44 in number, are the employees of respondent No.2, who, vide various representations, had sought shifting from '*Central Dearness Allowance*' pattern to '*Industrial Dearness Allowance*' pattern and had also sought that the seniority list be formulated, so that a proper seniority list indicating roster points of SC & ST candidates is framed. Petitioners also claim that legal notice dated 4.7.2017 (*Annexure P-10*) was responded to, on 21.7.2017 vide *Annexure P-11*. What has been said in the Reply (*Annexure P-11*) is that the issue of allowance and pre-requisites is under active consideration of Board of Directors subject to Department of Public Enterprise's guidelines and approval of Government, if required, and the stand taken by respondent-National Research Development Corporation (*hereinafter referred to as NRDC*) is that the

conduct of petitioners in serving legal notice tarnishes the image of respondent-corporation and is in violation of the conduct rules which shall be viewed seriously by the management.

2. To say the least, the issues raised in the various Representations *Annexure P-6 to Annexure P-9* colly made during the period from January, 2010 till October, 2016 have not been responded to or addressed by respondent-NRDC and in such a situation, petitioners were compelled to serve a legal notice, to which no exception ought to have been taken by respondent-NRDC.

3. In the facts and circumstances of the present case, the petitioners are permitted to make a comprehensive representation to respondent-NRDC within a period of 2 weeks and upon receipt of the said representation, respondent-NRDC shall take a decision thereon within a period of 12 weeks thereafter by passing a speaking order.

4. The fate of the representation being made known to petitioners' counsel within a week thereof, so that petitioners may avail of the remedy as available in law, if need be. Since respondent-NRDC has not appeared despite service of advance notice therefore, copy of this order be sent to respondent-NRDC forthwith to ensure its compliance.

5. With the aforesaid directions, the petition is disposed of.

6. Dasti to both parties.

CM No.38748/2017

Disposed of as infructuous.

(SUNIL GAUR)
JUDGE

OCTOBER 30, 2017

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W.P.(C) 9530/2017

page 2 of 2