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

+ **W.P.(C) 9967/2015 and C.M. Appl. No. 24302/2015 (for stay),
28375/2016 (for condonation of delay of 21 days in filing rejoinder
to counter affidavit of R-1, moved by the petitioner)**

NIKHIL GUPTA

..... Petitioner

In person.

versus

GURU TEGH BAHADUR INSTITUTE OF TECHNOLOGY & ORS

..... Respondents

Through: Mr. A.K. Mishra, Advocate for R-1.
Ms. Anita Sahani, Advocate for R-2.

+ **W.P.(C) 9978/2015 and C.M. Appl. No. 24326/2015 (for stay),
28374/2016 (for condonation of delay of 21 days in filing rejoinder
to counter affidavit of R-1, moved by the petitioner)**

BHAGIRATH DABAS

..... Petitioner

In person.

versus

GURU TEGH BAHADUR INSTITUTE OF TECHNOLOGY & ORS

..... Respondents

Through: Mr. A.K. Mishra, Advocate for R-1.
Ms. Anita Sahani, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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16.01.2017

1. In these petitions, the petitioners challenge the orders of the employer/respondent no. 1/Guru Tegh Bahadur Institute of Technology terminating the services of the petitioners.

2. This Court would have no territorial jurisdiction in view of Section 32(d) of the Delhi Sikh Gurudwaras Act, 1971, inasmuch as, respondent no. 1 is governed by the Delhi Sikh Gurudwaras Act and the Managing Committee of the respondent no. 1 is constituted under the Delhi Sikh Gurudwaras Act.

3. In similar circumstances, the following order was passed in W.P. (C) No. 7269/2016 on 8.12.2016:-

“1. During the course of arguments, the issue came up with respect to jurisdiction of this Court to decide this matter in view of Section 32 of the Delhi Sikh Gurdwaras Act, 1971 (hereinafter referred to as ‘the Act’). Section 32(d) of the Act provides that it is the District Judge who shall have the jurisdiction with respect to deciding the disputes between the committee and its employees including past employees.

2. In the present case, disputes are between the petitioner and the respondent no.2 which is being controlled by the respondent no.1, and respondent no.1 is the body under the Act. Therefore, Section 32 of the Act will come into play, and accordingly, once there is a specific jurisdiction vested with the specific court, this Court would not exercise jurisdiction which has to be exercised by the designated court. The designated court is the court of District Judge, Delhi.

3. In view of the above, this writ petition is not pressed, but, liberty is granted to the petitioner to approach the competent authority being the District Judge, Delhi, and on such proceedings being filed the petitioner so far as limitation is concerned, will have the benefit of Section 14 of the Limitation Act, 1963 for the period of time the present petition remained pending in this Court.

4. The writ petition is accordingly disposed of with the aforesaid liberty.”

4. Instead of dismissing these petition, these petitions will be treated as petitions before the concerned District Judge under Section 32 (d) of the Delhi Sikh Gurudwaras Act and these petitions are accordingly transferred to the District and Sessions Judge, Patiala House Courts, New Delhi and who will hear and dispose of the petitions as if they were filed before the District and Sessions Judge under Section 32 (d) of the Act when these petitions were in fact filed in this Court.

5. Parties to appear before the District and Sessions Judge, Patiala House Courts, New Delhi on 21st February, 2017.

VALMIKI J. MEHTA, J

JANUARY 16, 2017

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