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

% ***Date of decision: OCTOBER 11, 2018***

+ **W.P.(C) 9487 & CM No.36892/2018**

HINDUSTAN ANTIBIOTICS LIMITED Petitioner
Through: **Mr. Ranjan Kumar Rai, Adv.**

versus

**ASSISTANT LABOUR COLLECTOR GRADE-II DEFENCE
COLONY & ORS** Respondents

Through: **Mr. Anuj Aggarwal, ASC/R-1,
2, 3 & 4
Ms. Debopriya Pal, Adv. for
R-5
Mr. Manish Kumar, DEO
(SDM Office)**

**CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR**

ORDER (ORAL)

1. Mr. Anuj Aggarwal, learned ASC submits that the order under challenge in the present case, i.e. the order dated 11th May, 2018, figuring at annexure P-4, is only an order passed by the Deputy Chief Labour Commissioner (Central) for recovery of the amount confirmed against the petitioner by the Controlling Authority under the Payment of Gratuity Act, - vide order dated 29th September, 2017. He points out that the said order dated 29th September, 2017 has not been challenged by the petitioner, and that an isolated challenge to the recovery proceedings is per se not maintainable. He also points out,

correctly, that the objections raised by learned Senior Counsel, on the issue of territorial jurisdiction, noted in the order passed on the last date of hearing, was also directed against the territorial jurisdiction of the Controlling Authority, whose order is not under challenge.

2. On learned counsel for the petitioner being apprised of this aspect of the matter, he seeks to withdraw the present writ petition so that he could file an appropriate writ petition, including a challenge to the order dated 29th September, 2017 passed by the Controlling Authority. Leave and liberty, as prayed for, are granted.

3. However, this order should not be treated as an expression either on the merits of the case of the petitioner, or on the maintainability of the writ petition on any ground whatsoever. All defences of the respondents, against the writ petition, shall remain open.

4. The writ petition is disposed of in the above terms, with no order as to costs.

C.HARI SHANKAR, J

OCTOBER 11, 2018/kr