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

% *Date of Judgment: 20.02.2018*

+ **W.P. (C) 11109/2015 & CM No. 28778/2015**

HT MEDIA LIMITED

..... Petitioner

Through: Mr.Rajshekhar Rao, Advocate
with Mr.Nakul Sachdeva and Mr.Ankit
Rajgarhia, Advocates.

versus

DEPUTY LABOUR COMMISSIONER & ANR... Respondents

Through: Mr.Sanjoy Ghose, ASC for R-1
with Ms.Urvi Mohan, Advocate.
Mr.Umesh Sharma, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

VINOD GOEL, J. (ORAL)

1. By this writ petition filed under Article 226 of the Constitution of India, the petitioner, which is a newspaper establishment, seeks quashing of the summon bearing No.18/WJA/DLC/NDD/2015/3452 dated 16.11.2015 issued to them by the Deputy Labour Commissioner/respondent no.1.
2. The respondent no.2 had approached the respondent no.1 to give him benefit of Majithia Wage Board Award

recommendations which were accepted by the Central Government on 11.11.2011.

3. Learned counsel for the petitioner submits that the petitioner had to invoke the jurisdiction of this court as the petitioner establishment had an apprehension that the respondent no.1 intends to assume the jurisdiction to adjudicate the issue involved between the parties under Section 17 (1) of the Working Journalists & Other Newspaper Employees (Condition of Service and Miscellaneous Provisions) Act, 1955 (in short 'Working Journalists Act') instead of making a reference by the Government of NCT of Delhi under Section 17 (2) of the Working Journalists Act to the Labour Court in accordance with the law.
4. Learned counsel for the petitioner relies upon an order dated 13.10.2017 of the **Hon'ble Supreme Court in Contempt Petition (C) 411/2014**, wherein the Hon'ble Supreme Court has passed the following order:-

“1. Upon hearing the learned counsel for the applicant we clarify our Judgment dated 19.06.2017 to mean that dispute(s) referred for adjudication under Section 17 (2) of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 will be disposed of by the concerned Labour Court/Industrial Tribunal as expeditiously as possible, preferably, within six months of the reference being made.

2. With the aforesaid clarification the miscellaneous application is disposed of.”

5. He also relies upon another order of the **Hon'ble Supreme Court** dated 04.10.2016 in the said **Contempt Petition No.411/2014** in **W.P. (C) 246/2011** and the relevant para of the order reads as under: -

“In all cases where there is a dispute with regard to the amount payable, we direct the State Governments to act under the provisions of Section 17(2) of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955. The concerned Labour Court will finalize its award expeditiously and send the same to the State Government for due execution.”

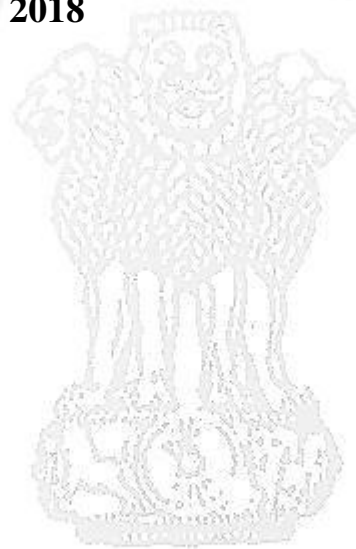
6. Learned counsel for the petitioner submits that the petitioner establishment has been directed by the impugned notice to produce its evidence and documents in support of his defence.
7. Per contra, learned counsel for the respondents submit that it was merely a summon on the application by the respondent no.2 and no formal order has been passed by the respondent no.1 hence, the petition is not maintainable merely on the basis of a summon issued by the respondent no.1.
8. At this stage, with the consent of the parties, this writ petition is disposed of in the following terms: -
- (a) that the petitioner shall appear before the Deputy Labour Commissioner under Working Journalists Act with a representation along with the copies of relevant documents within four weeks;

- (b) The Deputy Labour Commissioner shall decide the grievances/representations of the petitioner in accordance with law expeditiously.
9. In view of the above, CM 28778/2015 also stands disposed of.

(VINOD GOEL)
JUDGE

FEBRUARY 20, 2018

"shailendra"



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