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

+ W.P.(C) 2752/2017 & CM No.11956/2017 (for stay)

JAGRAN PRAKASHAN LIMITED Petitioner
Through Mr.Birendra Mishra, Adv. with
Ms.Ponam, Adv.

versus

SUSHIL JHA & ANR Respondents
Through Mr.Syed Sajad Ali, Adv.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
21.02.2019

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1. Vide the present petition under Articles 226/227 of the Constitution of India, the petitioner/management impugns the Certificate dated 25th February, 2015 issued under Section 2-A of the Industrial Disputes Act, 1957 (hereinafter referred to as the “Act”), as also the orders dated 26th March, 2015, 5th January, 2016, 25th November, 2016 & 16th December, 2016 passed by the learned Labour Court-X, Karkardooma Courts, Delhi, whereby the petitioner’s right to file the written statement stands closed.

2. After some arguments, learned counsel for the petitioner states on instructions, that at this stage he does not press the prayer for quashing of the certificate under Section 2A of the Act, but he seeks a direction that the written statement already filed by the petitioner before the learned Labour Court, be taken on record. He however seeks liberty to challenge the aforesaid certificate at a later stage, if

the need so arises.

3. Learned counsel for the respondents on instructions from the respondent no.1 who is present in Court, states that in order to shorten litigation, he does not now oppose the petitioner's limited prayer for taking on record the written statement already filled before the learned Labour Court but states that the same may be granted subject to appropriate costs.

4. Accordingly, with the consent of the parties, the impugned order dated 5th January, 2016 whereby the petitioner's right to file written statement was closed as also the subsequent orders dated 25th November, 2016 and 16th December, 2016 whereby its application seeking recall of the order dated 5th January, 2016 was rejected, are set aside, subject to payment of costs of Rs.50,000/- payable to the respondent. The learned labour Court is requested to take on record the written statement already stated to be filed by the petitioner and proceed further with the matter in accordance with law. As prayed for, the petitioner's objection regarding the certificate issued under Section 2-A of the Act, is left open and the petitioner will be at liberty to challenge the same at a later stage, if the need so arises.

5. At this stage, the learned counsel for the petitioner states that instead of the petitioner paying costs as directed, to the respondent, the amount of Rs.50,000/- already deposited with the Registrar General, be released in favour of the respondent towards costs. Accordingly, the Registry is directed to forthwith release to the respondent the aforesaid amount of Rs.50,000/- deposited by the petitioner along with interest accrued thereon.

6. The petition along with pending application, is disposed of in the aforesaid terms.

FEBRUARY 21, 2019/aa

REKHA PALLI, J