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

+ W.P.(C) 1898/2020 & CM APPL. 6648-49/2020

DELHI STATE ELECTRICITY WORKERS UNION

..... Petitioner

Through: Mr. Adit S. Pujari, Advocate

versus

BSES YAMUNA POWER LTD

..... Respondent

Through: Mr. Sandeep Sethi and Mr. Sudhir
Nandrajog, Sr. Advocates with Mr.
Anupam Varma, Mr. Nikhil Sharma,
Mr. Aditya Gupta and Ms Shivali
Rawat, Advocates

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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19.02.2020

By the instant petition, the petitioner, in effect, seeks issuance of a writ of certiorari to quash the policy concerning leaves, which forms part of the paper book as Annexure P-1.

At the onset, Mr. Sethi, learned Senior Counsel, raises a preliminary objection as regards the filing of the instant petition by one Sh. Kuldeep Kumar contenting that the bye-laws of the petitioner – Delhi State Electricity Workers' Union, do not permit a retired employee of the respondent, which said Kuldeep Kumar was, to be either a member of the workers' union or be its office bearer. Mr. Sethi, also strenuously contends that the cause sought to be espoused by the instant petition was entertainable under the provisions of the Industrial Disputes Act, which Mr. Pujari, learned counsel for the petitioner refutes placing reliance upon 'Voltas

Volkar Employees Union vs. Voltas Limited' in *W.A. No. 1598 of 1999 dated 16.11.1999*. Then, Mr. Sethi, on instructions, submits that the impugned policy is to cover the Executives across R-Infra and its Associate/Group companies and does not relate to the workers, whose cause the petitioner seeks to agitate.

Taking note of the submissions made by Mr. Sethi, Mr. Pujari, learned counsel for the respondent, without prejudice to any of the pleas of the parties, seeks to withdraw the instant petition with liberty to approach the Court afresh, if, necessary.

As prayed, the petition is dismissed as withdrawn, keeping open all the pleas and contentions of the parties to be agitated, if, called for. Pending applications also stand disposed of.

A. K. CHAWLA, J

FEBRUARY 19, 2020

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