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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3145/2020, CM Nos.10941/2020, 11421/2020,**
11536/2020, CM APPL. 11537/2020

NIRMAL BHAGAT AND ORS Petitioners
Through: Mr.A.K.Sharma, Mr.Satyam, Advs.

versus

MINISTRY OF HOME AFFAIRS AND ORS Respondents
Through: Ms.Maninder Acharya, ASG with
Mr.Anurag Ahluwalia, CGSC,
Mr.Abhigyan Siddhant and
Ms.Shefali Jaiswal, Adv. for R-1.
Mr.Sanjay Ghose, ASC with
Mr.Naman Jain, Adv. for R-2.
Mr.Brijendra Singh, Adv. for R-3
& 4.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **29.05.2020**

This hearing has been held through video conferencing.

This petition has been filed by the petitioners praying for a direction to the respondent no.1, that is, Ministry of Home Affairs, to implement its order dated 29.03.2020 passed under Section 10(2)(1) of the Disaster Management Act, 2005 *inter alia* directing the State Government to issue necessary orders to their District Magistrate/ Deputy Commissioner and Senior Superintendent of Police, etc. to take measures to ensure that all the employers make payment of wages to their workers during the lockdown period.

While the petitioners claim that they are the employees of the respondent nos.3 and 4, this is disputed by the respondent nos.3 and 4,

who submit that the services of the petitioners were availed of by the said respondents only on work basis and not as permanent employees.

As the petition raises disputed questions of fact which cannot be adjudicated while exercising jurisdiction under Article 226 of the Constitution of India, the same is disposed of granting liberty to the petitioners to approach the concerned Authority under the Delhi Shops and Establishments Act, 1954.

Mr.Sanjoy Ghose, learned ASC for the Govt. of NCT of Delhi, assures the Court that as and when such application is filed by the petitioners, endeavour shall be made to dispose of the same as expeditiously as possible and preferably within a period of three months of its receipt.

It is made clear that in such proceedings both parties shall provide full assistance to the concerned authority and shall not take any unnecessary adjournment.

The petition is disposed of in the above terms.

The order shall be uploaded on the website and shall also be provided to the learned counsels on the e-mail address provided.

NAVIN CHAWLA, J

MAY 29, 2020
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