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

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Date of decision:11.09.2020

+ W.P.(C) 6319/2020

DELHI STATE ELECTRICITY WORKER'S UNION

..... Petitioners

Through: Mr. Adit S. Pujari, Advocate
versus

BSES YAMUNA POWER LIMITED

..... Respondents

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

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

CM No.22427/2020 (Exemption)

Allowed subject to all just exceptions.

Application stands disposed of.

**CM No.22428/2020 (Exemption from filing duly notarized affidavits,
vakalatnama and paying Court Fee)**

This application has been filed seeking exemption from filing duly notarised affidavits, vakalatnama and paying requisite court fee. The application is disposed of with a direction to the Applicant to file the same within 72 hours from the date of resumption of regular functioning of the Court.

W.P.(C) 6319/2020

1. Present petition has been filed by the Delhi State Electricity Workers' Union with the following prayer:

“a. Issue a writ of Mandamus directing the Respondent to disclose/declare the leave policy as applicable to the workers/members whose cause is espoused by the Delhi State Electricity Workers Union”

2. Learned counsel for the Petitioner submits that it is the right of every workman to be informed of the Leave Rules, to enable the workman to know the terms and conditions of his entitlement to the kinds of leave due.

3. Mr. Sandeep Sethi and Mr. Sudhir Nandrajog Learned Senior Counsels appearing on behalf of the Respondent take a preliminary objection to the maintainability of the present petition. Learned Senior Counsels argue that the instant petition has been filed by one Kuldeep Kumar, who is a retired employee of the Respondent and the Bye-Laws of the Union do not permit a retired employee to be a part of the Union and to assail and espouse the cause of the Members of the Union.

4. Learned Senior Counsels, on instructions, further submit that insofar as the Leave Policy of the Workman is concerned, the same is available on the website of the Respondent and can be accessed by the workman and thus the prayer sought in the present petition is completely misconceived.

5. Mr. Adit S. Pujari learned counsel for the Petitioner vehemently opposes the preliminary objection and submits that the Bye-laws of the

Union permit a retired employee of the Union to espouse the common cause of the workmen of the Organisation and he shall be able to substantiate the same in law.

6. In view of the relief sought in the present petition, this Court does not consider it necessary to enter into the larger controversy of the maintainability of the petition by and on behalf of a retired employee of the Respondent, as a Member of the Union. The question is left open to be decided in an appropriate case.

7. Insofar as the question of the Leave Policy is concerned, petition is disposed of by taking on record the stand of the Respondent that the Leave Policy is available on the website of the Respondent and can be easily accessed by the workmen employed with the Respondent.

8. In view of the above, no further orders are required to be passed in the present petition.

JYOTI SINGH, J

SEPTEMBER 11, 2020/rd