

#16

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 21.10.2020

LPA 283/2020

**GURU HARGOBIND INSTITUTE OF MANAGEMENT AND
INFORMATION TECHNOLOGY & ANR.** Appellants

versus

BALBIR SINGH & ORS. Respondents

Advocates who appeared in this case:

For the Appellants : Mr. Jasmeet Singh, Advocate
For the Respondents : Mr. Rajat Aneja and Ms. Bhawna Pandey,
Advocates for R-1 to R-9
Mr. Fuzail Ahmad Ayyubi, Standing Counsel
along with Mr. Ibad Mushtaq and Ms. Akanksha
Rai, Advocates for R-10/Jamia
Millia Islamia
Mr. Anil Soni, Standing Counsel along with Mr.
Devesh Dubey, Advocate for R-11/AICTE

CORAM:

**HON'BLE MR. JUSTICE SIDDHARTH MRIDUL
HON'BLE MR. JUSTICE TALWANT SINGH**

J U D G M E N T

SIDDHARTH MRIDUL, J. (Open Court – via Video Conferencing)

The present matter has been taken up for hearing by way of
Video Conferencing on account of COVID-19 pandemic.

CM APPL. 24812/2020 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

LPA 283/2020 & CM APPL. 24811/2020 (Interim Stay)

1. The present Letters Patent Appeal under Clause X of the Letters Patent Act has been instituted on behalf of the appellants assailing the Order dated 31.08.2020 in W.P.(C) No. 4058/2020, titled as '*Balbir Singh & Ors. vs. Guru Hargobind Institute of Management And Information Technology & Ors.*', whereby, the learned Single Judge has directed the appellants, as under:

“Hearing has been conducted through Video Conferencing.

Pursuant to the order passed by this Court on 24.08.2020, affidavits have been filed by Respondent No.1.

Prima facie, the contents of the affidavits border on contempt of the Court and are not only contrary to the orders passed by this Court repeatedly but also the assurances given by Respondent No.1 in the past on several dates of hearing. Respondent No.1 has been from time to time assuring the Court that the salaries of the teachers and the non-teaching staff shall be disbursed as some solution was being worked out in that regard.

Mr. Rajat Aneja learned counsel for the Petitioners seeks a period of 10 days to file a response to the Affidavits. Let response to the Affidavits be filed within a period of 10 days from today.

List the petitions on 18.09.2020.

Till the next date of hearing, operation of the communication dated 16.06.2020 issued by Respondent

No.2 directing 'temporary lay-off of the Petitioners from Respondent No. I / Institute is stayed."

2. Issue notice.
3. Counsel as above, accept notice on behalf of the respondents.
4. Having heard learned counsel appearing on behalf of the parties and in view of the financial hardships faced by all the parties concerned, as a consequence of the COVID-19 pandemic, the only course of action that commends itself to us is to request the learned Single Judge to advance the date of hearing of the W.P.(C) No.4058/2020, at an appropriate application being instituted on behalf of the appellants, in this behalf.
5. Needless to state that the learned Single Judge shall consider the application, proposed to be instituted on behalf of the appellants herein, seeking advancement of the date of hearing sympathetically, in view of the circumstance antecedent and attendant and adjudicate the original writ petition, as expeditiously as possible.
6. It is clarified that, we have not expressed any opinion on the merits of the respective contentions of the parties, in this proceeding.
7. No further directions are called for.

8. With the above directions, the appeal is disposed of. The pending application also stands disposed of.

9. A copy of this Judgment be provided to learned counsel appearing on behalf of the parties electronically and be also uploaded on the website of this Court, forthwith.

**SIDDHARTH MRIDUL
(JUDGE)**

**TALWANT SINGH
(JUDGE)**

OCTOBER 21, 2020
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[Click here to check corrigendum, if any](#)