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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 21.10.2020

LPA 294/2020

**GURU NANAK INSTITUTE OF MANAGEMENT
& ANR.**

..... Appellants

versus

SURINDER SINGH & ORS.

..... Respondents

Advocates who appeared in this case:

For the Appellants : Mr. Jasmeet Singh, Advocate

For the Respondents : Mr. Rajat Aneja, Advocate for R-1 to R-27
Mr. Anil Soni, Standing Counsel along with Mr.
Devesh Dubey, Advocate R-28/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. 25561//2020 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

CM APPL.25560/2020 (Condonation of Delay)

The present application under Section 151 of the Code of Civil Procedure, 1908 has been instituted on behalf of the applicant/appellant seeking condonation of 58 days' delay in filing the accompanying appeal.

Notice.

Counsel as above, accept notice on behalf of the non-applicants/respondents and fairly do not oppose the application.

In view of the foregoing and for the reasons stated in the application, which are duly supported by an affidavit, the same is allowed. The delay of 58 days in filing the accompanying appeal is condoned.

The application is disposed of accordingly.

LPA 294/2020 & CM APPL.25559/2020 (Interim Stay)

1. The present Letters Patent Appeal under Clause 10 of the Letters Patent Act has been instituted on behalf of the appellants assailing the Order dated 29.06.2020, in W.P.(C) No.3104/2020 titled

as 'Surinder Singh & Ors. vs. Guru Nanak Institute of Management & Ors.', whereby, the learned Single Judge has directed the appellants, as under:

“.....C.M. 13489/2020 (Interim Directions)

Present Application has been filed aggrieved by the fact that Respondent/ Institute is issuing letters to lay-off the Petitioners, on account of financial hardship, alleged by them due to Pandemic COVID-19.

Mr. Aneja, learned Counsel for Petitioners, submits that letters of lay-off have been issued to other Petitioners in pending litigations before this Court. He draws the attention of the Court to the relevant part of those letters:

"We are pained to inform you that due to the prevailing circumstances, it has become necessary for the institute to reduce its workforce. You will be temporarily laid-off effective from 19-06-2020 noon. We will communicate the potential return dates as we learn more about the pandemic and the easing of restrictions by the government. We regret to inform you that you shall not receive your monthly salary or any other benefit during this period.

We would also like to inform you that the salary due to you till 19-06-2020 will be released to you by the Institute. The institute also makes it amply clear that as and when the financial position improves, your appointment shall be taken up on priority basis. Needless to say that in case you wish to look out and apply for employment elsewhere during the layoff, there shall be no objections/restrictions from the Institute to do so. "

It is submitted that, it is learnt by the Petitioners that the Respondent has issued similar kind of letters to the Petitioners herein, although the same have not been received by the Petitioners, so far. In case, Petitioners are laid-off, irreparable loss and injury will be caused to Petitioners. Mr. Aneja submits that Petitioners have been appointed on regular basis and have been dedicatedly and honestly serving the Respondent / Institute.

Mr. Jasmeet Singh, learned Counsel for Respondent Nos.1 and 2 submits that Respondent / Institute is undergoing extreme financial hardship on account of the fact that there is no earning by the Institute. He further submits that in these circumstances, Respondent / Institute has no option but to lay-off its employees although the lay-off is only for a temporary phase, in order to tide over the present situation. It is candidly admitted that letters of lay-off have already been issued to the Petitioners, although they may not have been served on them.

Mr. Jasmeet Singh further points to an Order dated 17.07.2017, passed by ~ Co-ordinate Bench of this Court in ***W.P. (C) 5075/2017, titled:S. Harinder Pal Singh and Ors. Vs. A/CTE and Ors.,*** wherein, the Court had permitted the employer to terminate the services of employees, on account of financial hardships of the employer.

Issue Notice.

Mr. Jasmeet Singh, Advocate, accepts Notice on behalf of Respondent Nos.1 and 2.

Mr. Anil Soni, Advocate, accepts Notice on behalf of Respondent No.3.

Replies be filed within a period of two weeks from today.

Petition is coming up for hearing on 15.07.2020 before this Court. It is hereby directed that till the next date of hearing, no coercive steps shall be taken by the Respondents, against the Petitioners.

At this stage, both sides fairly submit that they are open to an amicable settlement in the matter with respect to the payment of salaries.

Every effort will be made by the Petitioners and Respondents to resolve the issue, so that a middle-path can be evolved, in the prevailing, unprecedented circumstances.

Mr. Soni, learned counsel for Respondent No.3 is requested to act as a Mediator and facilitate the settlement process.

List on 15.07.2020”

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. 3104/2020, 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.

SIDDHARTH MRIDUL
(JUDGE)

TALWANT SINGH
(JUDGE)

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