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

+ W.P.(C) 10284/2019 & CM APPLs. 42463/2019,4243/2020

SH. RAM HET Petitioner

Through: Ms. Manasi Bhushan, Advocate

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DELHI AND ORS. Respondents

Through: Mr. R.K. Agnihotri, Advocate for R-1

Ms. Aakriti Vohra, Advocate for R-2

+ W.P.(C) 10285/2019 & CM APPLs. 42465/2019, 4582/2020

SH. KISHAN LAL Petitioner

Through: Ms. Manasi Bhushan, Advocate

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DELHI AND ORS. Respondents

Through: Mr. R.K. Agnihotri, Advocate for R-1

Ms. Aakriti Vohra, Advocate for R-2

+ W.P.(C) 10298/2019& CM APPLs. 42503/2019, 4581/2020

SH. OM PRAKASH Petitioner

Through: Ms. Manasi Bhushan, Advocate

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DELHI AND ORS. Respondents

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KUMAR

Signing Date: 17.03.2020
15:10:19

Through: Mr. R.K. Agnihotri, Advocate for R-1
Ms. Aakriti Vohra, Advocate for R-2

+ W.P.(C) 10323/2019 & CM APPLs.42533/2019, 4240/2020

SH. AMAR SINGH

..... Petitioner

Through: Ms. Manasi Bhushan, Advocate

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DELHI AND ORS.

..... Respondents

Through: Mr. R.K. Agnihotri, Advocate for R-1
Ms. Aakriti Vohra, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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05.03.2020

This petition seeks deletion of R-3 from the array of parties, since it is the petitioner's case that they had been paid directly by the management-school and were also under school's control and assigned duties directly by the school, therefore, R-3 is not an essential party as no relief is sought against it. In view of the above R-3 is deleted from the array of parties.

R-3 has been proceeded ex parte before the learned Tribunal. The learned counsel for respondent in WP 10323/2019, the proprietor of R-3 is the petitioner. However, the learned counsel for the petitioner refutes the contention that he is a proprietor. He submits that the petitioner Sh. Amar Singh, in the aforesaid writ petition is an illiterate person and he was coerced into signing document as a proprietor of the Deepak Placement

Agency. In any case the grievance of the petitioner is that they were not permitted to lead evidence to prove that they were directly under the control and supervision of the management and they were being paid directly by the management.

The impugned order has recorded that despite an opportunity having been granted to the workman to lead evidence they failed to do so. It also records that on the date when the case was listed for production of affidavit in evidence the counsel for the workman started raising his voice at the Court. The petitioners changed their counsel but they were not granted an opportunity to adduce the evidence that they desired to, due to the conduct of their previous counsel. By the subsequent counsel the petitioners had filed their affidavit in evidence within time but since an advance copy of the same had not been supplied to the counsel for the management, the evidence were not taken on record. The default in filing evidence within time should not lead to such precipitate result, as to render them remediless or to irreparably prejudice their case.

In the circumstances and in the interest of justice, the petitioners are granted one more opportunity to lead evidence in support of their claim petitions.

The parties be permitted to file documents prior to the date of hearing in the Registry of the learned Labour Court / Industrial Tribunal.

The parties are permitted to lead their evidence and to pursue their interrogatories, if any. Since the case pertains to a *lis* which is four years old, the learned Labour Court is requested to endeavour to dispose off the case preferably within a period of 6 months from the date when the case is next listed before it.

The parties shall appear before the learned Labour Court on 07.04.2020. Their learned counsel assures the Court that they shall not seek any adjournment whenever the case is listed before the learned Labour Court, in order to ensure a speedy disposal of the case.

The petitions are disposed-off in the above terms.

NAJMI WAZIRI, J

MARCH 05, 2020

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