

\$~8(2021)

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

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Date of decision: 07.12.2021

+ **LPA 17/2020 & CM APPL. 1365/2020**

JAWAHARLAL NEHRU UNIVERSITY (JNU) ..... Appellant

Through : Ms. Ginny J Rautray, Mr. Navdeep Singh, Ms. Snigdha Ganguly and Mr. Samrat Anand, Advs.

versus

ALL INDIA GENERAL KAMGAR UNION & ORS .... Respondents

Through : Ms. Amiy Shukla, Adv. for R-1.  
Mr. Rohan Anand, Advocate for Mr. Kirtiman Singh, CGSC for R-3.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SHAKDHER**

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

[Physical Hearing/Hybrid Hearing (as per request)]

**RAJIV SHAKDHER, J. (ORAL):-**

1. This writ petition is directed against the judgment dated 26.11.2019, passed by the learned Single Judge in W.P.(C) 10137/2019. The operative directions are contained in paragraph 9 of the said judgment. For the sake of convenience, the same is extracted hereafter :

*“....9. Even though no case is made out for granting interim protection to the workmen during the entire pendency of their dispute before the Court, in the interest of justice, the interim protection already granted to them vide order dated 20.09.2019 shall continue for a further period of two months from the date of reference. This protection is being granted to enable the workmen to make alternate arrangements, as their primary grievance before this Court has been that in case they are deployed elsewhere by the respondent no.2, their families including their school going children, who are presently residing in the vicinity of the respondent no.1's premises, will be adversely effected. It is,*

*however, made clear that in case the workmen rejoin the services of respondent no.2, in terms of the offer made by the respondent no.2 before this Court, the same will not in any manner be construed as a relinquishment of their claim that the contract between the respondent nos.1 and 2 was a sham and a camouflage and they were, in fact, employees of the respondent no.1. It is also made clear that it will be open for the Labour Court to examine all the pleas of the workmen on its own merits.....”*

2. The record shows that notice in this appeal was issued on 15.01.2020. On the said date, respondent no.3 i.e., Union of India (UOI) was granted two weeks to make the reference. Up-until now, respondent no.3/UOI has not moved in the matter.

2.1. Ms. Ginny J. Rautray, who appears on behalf of the appellant, says that this is causing difficulties for the appellant/University.

2.2. On the other hand, Ms. Amiy Shukla, who appears on behalf of respondent no.1/Union, which represents the workmen herein, says that she, cannot but accept, the position that the protection granted to the workmen can continue only for a period of two months from the date when reference is made.

3. In these circumstances, Ms. Rautray says that this court should call upon respondent no.3/UOI to make a reference, within the defined timeline.

3.1. We agree with the suggestion put forth by Ms. Rautray.

4. Accordingly, the concerned officer of respondent no.3/UOI will make a reference within two weeks from today.

4.1 As agreed by the learned counsel for the parties, protection *qua* the workmen represented by respondent no.1/Union will last only for two months from the date, when reference is made.

5. The writ petition is disposed of in the aforesaid terms. Consequently, pending application shall also stand closed.

6. List the writ petition for compliance on 22.12.2021. In case, the

compliance is not made, the officer concerned in respondent no.3/UOI will join the proceedings.

**RAJIV SHAKDHER, J**

**TALWANT SINGH, J**

**DECEMBER 7, 2021**

**aj**

*[Click here to check corrigendum, if any](#)*

