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

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Judgment delivered on: 27.08.2021

+ W.P.(C) 7848/2021

DELHI STATE ELECTRICITY WORKERS UNION & ORS.

..... Petitioners

versus

BSES RAJDHANI POWER LTD & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner:

Mr. Yash Vardhan Singh, Advocate.

For the Respondent:

Mr. Anupam Varma, Mr. Nikhil Sharma and Mr. Aditya Gupta, Advocates for R-1 & 5.

Mr. Sandeep Prabhakar, Advocate for R-2 to 4.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL.24401/2021 (exemption)

Exemption is allowed subject to all just exceptions.

W.P.(C) 7848/2021 & CM APPL.24400/2021

1. The hearing was conducted through video conferencing.

2. Petitioner seeks quashing of circulars dated 16.06.2020 21.05.2020 and 22.07.2021 whereby it is stated that voluntary contributions shall be deducted from the salary of the employees for the purposes of providing financial support for medical treatment etc.

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to HMJ Sanjeev Sachdeva.

W.P(C) 7848/2021

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to employees and associates engaged in the services of the respondents.

3. Learned counsel for the petitioner submits that members of the petitioner association have been forced to make contributions by compulsory deductions.

4. Issue notice. Notice is accepted by learned counsel appearing for respondent Nos.1 & 5 as also by counsel appearing for respondent Nos.2 to 4.

5. Learned counsel appearing for the respondents objects to the locus of petitioner No.2 to file a petition on behalf of petitioner No.1.

6. He, however, without prejudice submits that since the scheme under the circulars is purely voluntary and any person who wants to avail the benefit under the scheme is to make the contribution and if someone does not wish to take benefit under the scheme and contribute, option is given to the workmen to give their option of not becoming part of the scheme.

7. Learned counsel submits that in the past also several employees have opted out of the scheme and no contribution has been deducted from their salaries.

8. In view of the above statement, the petition is disposed of with

a direction to the respondents to once again inform its employees that the scheme is optional and they can opt out of the scheme. All employees who exercise the option of withdrawing from the scheme, would not be covered under the scheme and shall not be entitled to any benefits under the scheme and no amount shall be deducted from their salary.

9. Since the circular itself states that the scheme is voluntary and statement has been made by learned counsel for the respondent that the employees who wish to opt out of the scheme are free to opt out of the same, no opinion is expressed on the locus of petitioner No.2 to file the petition on behalf of petitioner no. 1. The issue is left open.

10. Petition is disposed of in the above terms.

11. Copy of the Order be uploaded on the High Court website and be also forwarded to learned counsels through email.

SANJEEV SACHDEVA, J.

AUGUST 27, 2021

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