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

+ **W.P.(C) 15486/2022**

THE PRESS TRUST OF INDIA LIMITED Petitioner

Through: Mr. N.B. Joshi with Mr. Anurag
Ranjan with Ms. Seema Neb and
Mr. Shweta Kapoor, Advocates.

versus

PTI EMPLOYEES UNION Respondent

Through: Mr. Devadatt Kamat, Sr. Adv with
Mr. Javedur Rahman, Adv and
Mr. Mudassir, Adv.

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Date of Decision: 11th November, 2022

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CM APPL.48168/2022 (exemption)

Exemption allowed subject to all just exceptions.

W.P.(C) 15486/2022 & CM APPL.48167/2022 (stay)

1. The present petition has been filed challenging the order dated 08.09.2022 seeking the following prayers:-

- a. *Issue Writ/Writs in the nature of a mandamus or certiorari or any other writ quashing the Impugned*

Order dated 08-09-2022 passed by the National Industrial Tribunal, Mumbai in REF. NTB-1 of 2021 and allow the applications filed by the Petitioners in which the impugned order was passed;

- b. In the alternative direct the National Industrial Tribunal, Mumbai in REF. NTB-1 of 2021 to adjudicate on merits the applications in which the impugned order dated 08-09-2022 has been passed;*
- c. Stay the operation of the Impugned Order dated 08-09-2022 and proceedings pending adjudication of the instant matter,*

2. Learned counsel for the petitioner submits that in fact two references have been made by the Central Government, one dated 07.05.2021 and the other dated 25.08.2021. Learned counsel for the petitioner submits that the reference dated 07.05.2021 relates to 297 newspaper employees whereas reference dated 25.08.2021 relates to 104 employees. Learned counsel for the petitioner submits that the primary concern of the petitioner is that these 104 employees, as covered under Reference dated 25.08.2021, are already part of 297 employees regarding which reference is made on 07.05.2021. Learned counsel for the petitioner submits that if the proceedings before the National Industrial Tribunal are allowed to continue, there shall be two separate awards in respect of 104 employees in view of two different references. Learned counsel for the petitioner submits that therefore interference is required to be made by this Court in the impugned order dated 08.09.2021.

3. Sh. Devadatt Kamath, learned senior counsel for the respondent has submitted that in fact the present petition is nothing more than a luxury

litigation. Learned senior counsel submitted that the petitioner has moved an application with an identical prayer before the Tribunal, which is still pending adjudication before the Tribunal. Learned senior counsel for the respondent submits that the present petition has been filed only to delay the proceedings.

4. The writ jurisdiction under Article 226 is though wide but needs to be exercised in circumspection. The writ Court can interfere into the order of the learned Labour Court/Tribunal only if there is manifest illegality or perversity in the order of the Tribunal. The applications as moved by the petitioner are still pending before the Tribunal and the Tribunal has not rejected the applications. Thus, if this Court interferes at this stage, it will amount to interfering into the functioning of the Tribunal, which is not permissible under the law. However, the learned Tribunal will be well advised if the applications moved by the petitioner are disposed of expeditiously in accordance with law.

5. I consider that any order passed in the instant petition filed by petitioner, will only amount to usurping the jurisdiction of the Tribunal, which is certainly not permissible in law.

6. Accordingly, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

NOVEMBER 11, 2022

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