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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1216/2022, CM APPL. 48669/2022 and CM APPL. 48670/2022

SUKARMA TECHNOLOGIES PVT LTD Petitioner
Through: Mr. Vijay Gupta, Adv.

versus

RAJIV NAINWAL Respondent
Through:

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT(ORAL)
21.11.2022

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1. I have serious doubts as to whether this petition would at all be maintainable under Article 227 of the Constitution of India. Nonetheless, in view of the request made, I am entertaining the matter.

2. The only prayer of the petitioner, as canvassed by Mr. Gupta, learned Counsel for the petitioner is that the office of the Joint Labour Commissioner, Labour Department, New Delhi, which is presently hearing Case No. 02/PGA/LO/NDD/2022/650-652, filed by an employee Rajiv Nainwal against the petitioner, should be directed to extend the facility of virtual hearing to the petitioner.

3. The record does not indicate that any such request was made before the learned Joint Labour Commissioner and rejected.

4. Nonetheless, Mr. Gupta, learned Counsel submits that the office of the learned Joint Labour Commissioner did not permit the

application to be filed. He has filed a copy of the application which was attempted to be presented before the learned Joint Labour Commissioner as Annexure P-1 to this petition. The application reads thus:

**“GOVERNMENT OF NATIONAL CAPITAL TERRITORY
OF DELHI
OFFICE OF THE JOINT LABOUR COMMISSIONER,
LABOUR DEPARTMENT, NEW DELHI DISTRICT
EMPLOYMENT EXCHANGE BUILDING, PUSA CAMPUS,
NEW DELHI-11012**

Mr. Rajiv Nainwal ... Employee
Versus

M/s. Sukarma Technologies Private Limited ...Respondent/
Employer

Application for virtual hearing

The petitioner respectfully submits as under:-

1. That this case is pending before this authority. The next date of hearing is 06/10 2022.
2. That the counsel Mr. Vijay Gupta, Advocate (Enrolment No. D/30/1968) who is 76 years old is currently unwell and has been advise by his doctor to conduct the hearings virtually, through video conferencing only.
3. The respondent accordingly prays that this Learned Authority may kindly be pleased to:-
 - i) allow this application and pass orders directing virtual hearing in the above case through video conferencing; and
 - ii) any other or further orders or directions in favour of the counsel may be passed as this authority may deem fit and proper in the facts and circumstances of this case.”

5. This Court under Article 227 of the Constitution of India, is not in a position to monitor requests for video hearing before other judicial authorities.

6. As such, the petition is disposed of with a direction to the learned Joint Labour Commissioner to take a decision on the petitioner's application seeking permission to appear virtually in the proceedings.

7. It is made clear that this Court has not expressed any view on whether the application is required to be allowed or rejected. It would be for the learned Joint Labour Commissioner to take a view in that regard, keeping all relevant factors in mind.

8. This petition is accordingly disposed of. Miscellaneous applications are also disposed of.

9. Copy of this order be given *dasti* to learned Counsel for the petitioner under the signature of the Court Master.

NOVEMBER 21, 2022
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C.HARI SHANKAR, J