



\$~38

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

LPA 71/2024

SAMUNDER SINGH

..... Appellant

Through: Mr.Rajiv Agarwal & Ms.Meghna De,
Advs.

versus

DELHI POLLUTION CONTROL COMMITTEE Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

%

29.01.2024

CM APPL. 4977/2024

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

LPA 71/2024 & CM APPL. 4976/2024 (interim relief)

3. The present appeal under Clause X of the Letters Patent seeks to assail the order dated 05.01.2024 passed by the learned Single Judge in W.P.(C)12059/2023, insofar as the learned Single Judge while fixing the writ petition for disposal on 07.02.2024 has adjourned the application preferred by the appellant under Section 17B of the Industrial Disputes Act, 1947 (the Act) for the same date.
4. Learned counsel for the appellant submits that the learned Single Judge has failed to appreciate that an application under Section 17 B of the Act filed by the workman is required to be given priority and ought to be decided before disposing off the writ petition filed by the



management.

5. At the outset, it has been put to learned counsel for the appellant as to how the present appeal would be maintainable against order which simply adjourns the matter to 07.02.2024. In response, he submits that the appellant has been compelled to approach this Court as the learned Single Judge has not even indicated that the petitioner's application will be taken up consideration before disposal of the writ petition.
6. Having considered the submissions for learned counsel of the appellant, we are of the view that the present appeal, which assails an order simply adjourning the matter would not be maintainable. However, taking into account that we are of the opinion that the appellant's grievance is not unmerited, while dismissing the appeal as not maintainable, the appellant is granted liberty to move an appropriate application before the learned Single Judge with a prayer that the application under Section 17 B of the Act be taken up for consideration before the writ petition is disposed of. In case, such an application is moved, the learned Single Judge will consider the same as per law.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

JANUARY 29, 2024

kk