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

+ **LPA 87/2024**

RAVI KUMAR AND ORS

..... Appellant

Through: Ms. Venkita Subramonian T.R., Mr.
Rahat Bansal, Advs.

versus

GOVT. OF NCT OF DELHI AND ORS

..... Respondent

Through: Ms. Avnish Ahlawat, SC, GNCTD,
Service with Ms. Tanya Ahlawat, Mr. Nitesh
Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza
Alam, Mr. Mohnish Sehrawat, Advs. for R-1.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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01.02.2024

CM APPL. 5932/2024 -Ex. & CM APPL. 5931/2024 -LLOD.

1. Exemptions allowed, subject to all just exceptions
2. The applications stand disposed of.

LPA 87/2024 & CM APPL. 5930/2024 -Stay

3. The present appeal under Clause X of the Letters Patent assails the order dated 24.01.2024 passed by the learned Single Judge in W.P.(C) 1473/2023. Vide the impugned order, the learned Single Judge has disposed of the writ petition preferred by the appellants/petitioners by directing the parties to approach the learned Central Government Industrial Tribunal within a period of two weeks, with an application to seek interim relief and has directed the learned Industrial Tribunal to decide the matter without granting any unnecessary adjournments to either party.



4. Learned counsel for the appellant submits that the impugned order directing the parties to approach the learned Industrial Tribunal with an application for interim relief overlooks the fact that the appellant has still not raised any industrial dispute. Furthermore, the learned Single Judge also failed to appreciate that the writ petition was filed primarily assailing the respondent's circular dated 31.10.2023, which aspect he contends has not been dealt with in the impugned order.
5. Issue notice. Ms. Avnish Ahlawat accepts notice and fairly submits that the legality of the circular dated 31.10.2023 which was impugned by the appellants has not been considered under the impugned order.
6. Having perused the impugned order and the stand taken by the parties, we are in agreement with the learned counsel for the parties that the learned Single Judge has proceeded to dispose of the writ petition without examining the validity of the circular dated 31.10.2023, which was specifically assailed by the appellants.
7. In these circumstances, we have no other option but to set aside the impugned order and remand the matter back to the learned Single Judge for examining the validity of the impugned circular dated 31.10.2023.
8. List the matter before the learned Single Judge on 09.02.2024.
9. It is, however, made clear that this Court has not expressed any opinion on either the validity of this circular or the rival submissions of the parties.
10. The appeal is, accordingly, allowed by setting aside the impugned order dated 24.01.2024 and remanding the matter back to the learned



Single Judge for deciding the validity of the respondent's circular dated 31.10.2023 assailed before the learned Single Judge.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

FEBRUARY 1, 2024/ al