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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LPA 178/2024, & CM APPL. 12446/2024 -Delay 31 days, CM APPL. 12447/2024 -Addl. doc. & CM APPL. 12599/2024 -Stay.

GURVINDER SINGH

..... Appellant

Through: Mr. Joydeep Sarma, Mr. Pankaj Sharma, Mr. Vishal Sharma, Mr. Kaushal Kapoor, Advs.

versus

AIR INDIA LIMITED

..... Respondent

Through: Mr. Rajesh Ranjan, Mr. Atin Shankar Rastogi, Ms. Deeksha Arora, Mr. Dhruv Dhiwan, Mr. Aman Kapoor, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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29.02.2024

CM APPL. 12445/2024 -Ex. & CM APPL. 12600/2024 -Ex.

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

LPA 178/2024

3. The present appeal under Clause X of the Letters Patent seeks to assail the order dated 22.09.2023 passed by the learned Single Judge in W.P.(C) 11978/2021. Vide the impugned order, the learned Single Judge has dismissed the writ petition preferred by the appellant as not being maintainable by granting liberty to the appellant to approach the appropriate forum to take recourse to the remedies available to the appellant in law.



4. We may note that the learned Single Judge has further directed that the duration during which the writ petition remained pending will be excluded for the purpose of computation of limitation in case, the appellant seeks to avail any other remedy by instituting fresh proceedings.
5. After some arguments, learned counsel for the appellant submits that since the primary relief which the appellant is seeking is qua his provident fund dues, he will instead of pressing the appeal, approach the Central Provident Fund Commissioner under Section 7(A) of the Employees' Provident Funds and Miscellaneous Provisions Act (hereinafter referred to as 'the Act').
6. The appeal is, accordingly, dismissed as not pressed with liberty to the appellant to approach the Central Provident Fund Commissioner as also to avail of any other appropriate remedies available in law.
7. It is however directed that in case the appellant files, within three weeks, an application/petition under Section 7(A) of the Act from today, the same will be considered on merits and not be rejected on the ground of delay.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

FEBRUARY 29, 2024

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