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

+ **LPA 444/2023 & CM 53783/2024**

**DELHI BUILDING AND OTHER CONSTRUCTION
WORKERS WELFARE BOARD**

.....Appellant

Through: Mr Akhilesh Dixit, Advocate

versus

JAGDISH & ANR.

.....Respondents

Through: Mr Chirayu Jain and Mr Garvit
Sharma, Advocates for R-1 and
intervenor/ NCC-CL.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **13.09.2024**

[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 53783/2024

1. This is an application for intervention moved by the National Campaign Committee for Central Legislation on Construction Labour [in short "NCC-CL"] in the pending appeal.
2. Mr Chirayu Jain, learned counsel, who appears on behalf of NCC-CL, on being queried, informs us that he has also been engaged by respondent no. 1/workman.
3. We are, however, told that the intervention application was necessitated since representations filed by 64 workmen are pending consideration by the appellant/Board.



4. We may note that learned counsel for the respondent no.1/workman says that the issue raised in the present appeal is covered by the judgment rendered by the division bench in ***Delhi Building and Other Construction Workers Welfare Board vs. Dulari Devi & Anr.***, 2024: DHC: 3436-DB.

5. Given this position, in our view, intervention by NCC-CL will not further the cause of respondent no. 1/workman herein, since the same stand, which NCC-CL wishes to take, can be taken by learned counsel for respondent no. 1/workman.

6. However, the appellant/Board will reconsider the pending representations of workmen, *albeit* as per law, in light of the judgment of the division bench referred to hereinabove or a decision of the Supreme Court as noticed hereafter.

7. The intervention application is disposed of in the aforesaid terms.

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8. With the consent of the learned counsel for the parties, the appeal is taken up for hearing.

9. Mr. Akhilesh Dixit, learned counsel, who appears for the appellant, does not dispute that the issue raised in the instant appeal is covered by the decision rendered in ***Delhi Building and Other Construction Workers Welfare Board vs. Dulari Devi & Anr.***, 2024: DHC: 3436-DB.

10. Mr Dixit, however, informs us that a Special Leave Petition [SLP] has been preferred against the said judgment which was listed yesterday, i.e., 12.09.2024, and now stands adjourned to next week.

11. Given this position, the appeal is disposed of in terms of the aforementioned judgment with a caveat that the decision in the SLP would



bind the parties.

12. The directions issued in the aforementioned judgment of the division bench shall apply *mutatis mutandis* to the respondents herein.

13. The date fixed in the matter, i.e. 20.09.2024, shall stand cancelled.

14. Consequently, the interim order dated 19.05.2023 shall stand vacated.

RAJIV SHAKDHER, J

AMIT BANSAL, J

SEPTEMBER 13, 2024/PB

[Click here to check corrigendum, if any](#)