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

+ W.P.(C) 15225/2022 & CM APPL. 47149/2022

INDIAN NATIONAL MIGRANT WORKERS UNION..... Petitioner

Through: Mr.Biswambar Nayak, Advocate

versus

UNION OF INDIA & ORS. Respondents

Through: Mr.Avnish Singh, SPC for UOI with
Ms.Pushplata Singh and Ms.Kanchan
Kumari, Advocates for R-1
Mr.Manu Prabhakar and Mr.Avinash
Kumar, Advocates
Mr.Kumar Bhaskar, Advocate for R-4

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

08.04.2024

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1. The instant writ petition under Articles 226 and 227 of the Constitution of India has been filed on behalf of the petitioner seeking the following reliefs:-

"a) Issue a writ of mandamus, certiorari or any other appropriate writ or direction to the Respondent No. 2 / Employees State Insurance Corporation (ESIC) and Respondent No. 3 / ESIC Hospital, Okhla, Phase-1, New Delhi, not to terminate the services of the workmen herein (31 workers whose names are mentioned in this petition) to continue their duties with the respondent No. 3 I ESIC Hospital, Okhla, Phase-1, New Delhi, irrespective of the fact that whoever is or will be the contractor, till the final disposal of their regularization of services industrial dispute by the



Labour Department (Central) & C.G.I.T., Delhi.

b) Pass any other &/or further order(s) / instruction(s), in favour of the workmen / petitioner, as this Hon'ble Court deems fit & proper, in the interests of justice."

2. After some length of arguments, learned counsel appearing on behalf of the petitioner, on instructions, does not press the instant writ petition on merits and seeks an innocuous prayer to approach the concerned authority i.e. CGIT for expeditious disposal of his case. For this purpose, learned counsel for the petitioner prays that he may be allowed to file an appropriate application seeking interim relief in I.D. No.292/2023 pending before the CGIT. It is further prayed that till the disposal of the application for interim relief before the CGIT, the interim order granted by the Predecessor Bench of this Court vide order dated 5th December, 2022 may be continued.

3. *Per Contra*, learned counsel appearing on behalf of respondents vehemently opposed the instant petition, but has no objection to the innocuous prayer made on behalf of the petitioner.

4. Heard learned counsel for the parties and perused the record.

5. After perusal of the record, contentions made in the petition as well as the innocuous prayer made on behalf of the petitioner and no objection from the respondents, this Court is inclined to allow the prayer of the petitioner.

6. The petitioner is at liberty to file an appropriate application seeking interim relief alongwith certified copy of this order before the CGIT within two weeks from today. After receiving the said application, the CGIT is directed to decide the said application without giving unnecessary adjournments to either of the party, and thereafter, pass a speaking order in accordance with law, expeditiously, preferably within six weeks.



7. It is made clear that till the disposal of the application to be filed by the petitioner seeking interim relief in I.D. No.292/2023 pending before the CGIT, the interim order granted by the Predecessor Bench of this Court vide order dated 5th December, 2022 shall continue.

8. With the aforesaid directions, the petition alongwith pending application stands disposed of.

CHANDRA DHARI SINGH, J

APRIL 8, 2024

dy/db

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