



\$~171

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 14784/2023 and CM APPL. No.58823/2023**

SUMIT KUMAR

..... Petitioner

Through: **Mr. Rajiv Agarwal, Ms. Meghna De
and Ms. L.Gangmei, Advocates**

versus

GOVT OF NCT OF DELHI AND ANR Respondents

Through: **Ms.Latika Choudhury, Advocate
Mrs. Avnish Ahlawat, Standing
Counsel, GNCTD (Services) with
Mr. Nitesh Kumar Singh, Ms.
Laavanaya Kaushik, Ms. Aliza Alam
and Mr. Mohnish Sehwat,
Advocates.
Mr. Tanveer Ahmed Ansari, SPC
with Mr. Hilal Haider, GP, Advocates
for R-3.**

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

24.01.2024

%

1. The instant batch of petition pertains to a common issue hence, they have been tagged together. The grievance of the petitioners is that employment of almost 300 petitioners, who were employed as part of the Civil Defence Volunteer Service, working in the various departments of Government of NCT of Delhi (hereinafter “GNCTD”), has been terminated by the GNCTD on 31st October 2023.



2. Prior to 31st October, 2023, the petitioners' term of employment was extended time and again by the GNCTD and they were also paid for the same.

3. On 31st October 2023, GNCTD issued a circular stating that the petitioner's call for duty is terminated. It was further stated in the said circular that the Civil Defence Volunteers are to be called out only for the disaster or to deal with a hostile attack or for management but instead, the petitioners have been called for duties in various departments of GNCTD in a way which is contrary to the provisions of the Civil Defence Act, 1968 and its rules & regulations.

4. Prior to issuance of the aforesaid circular, some of the petitioners approached the Regional Labour Commissioner (Central) and filed a Statement of Claim seeking reference of their dispute which is the determination of their status as an employee. The learned Conciliation Officer issued a notice advising the Management to adhere to Section 33 of the Industrial Disputes Act, 1947 with regard to the service conditions of the workmen involved in the said dispute.

5. Pursuant thereto, writ petitions invoking Section 33 of the Industrial Disputes Act, 1947 seeking continuity in service were filed. On 30th October 2023, the Predecessor Bench of this Court passed an order directing that the Conciliation Officer with the cooperation of all the parties would dispose of the matter at the earliest, preferably within a month. It was also directed that no precipitative action with regard to the engagement of the petitioners would be taken until the decision of the Conciliation Officer is made. Hence, stay was granted by the Court in the favour of the petitioners. It was further directed by the Court that the contentions raised by the GNCTD



pertaining to the jurisdiction and maintainability could be raised before the Conciliation Officer itself.

6. The Deputy Chief Labour Commissioner (Central), vide order dated 30th November 2023, stated that an industrial dispute exists between the petitioners, management and the GNCTD and accordingly, referred the dispute for adjudication.

7. On 6th December 2023, the Predecessor Bench of this Court continued the interim relief granted vide order dated 30th October 2023. Vide the said order, it was also directed that the petitioners would be paid their wages/allowances under whichever head of accounting, they were paid earlier.

8. Learned counsel appearing on behalf of the petitioners during the course of the proceedings before this Court prayed that:

a. the protection granted by the Predecessor Bench of this Court vide order dated 6th December 2023, may be extended till decision on the application for interim relief before the Ld. CGIT;

b. in cases where interim protection has not been granted vide order dated 6th December 2023, interim relief may be granted by this Court.

9. It is submitted that the respondents filed an appeal against the order dated 6th December 2023, wherein after some length of arguments, the Hon'ble Division Bench of this Court orally observed that the aforesaid order warrants no interference pursuant to which, GNCTD withdrew its appeal.

10. *Per Contra*, the learned counsel appearing on behalf of the GNCTD/respondent whilst opposing the contentions raised by the



petitioners agreed that the prayer as sought by the petitioners during the course of proceedings may be granted by this Court.

11. Heard the learned counsel for the parties.

12. In view of the aforesaid discussion, petitioners are directed to approach the CGIT with an application, if not filed, within two weeks from today seeking interim relief and the learned CGIT is directed to decide the dispute in relation to the entitlement of petitioner for the grant of any interim relief as expeditiously as possible in accordance with law without being influenced by any of the proceedings before this Court. It is further directed that the CGIT shall not grant any unnecessary adjournments to either party.

13. The parties are also directed to cooperate in the proceedings before the learned CGIT and GNCTD is directed to not to take any coercive action in respect of the petitioners till the decision of the interim application pending before learned CGIT. Accordingly, the instant batch of petitions is disposed of along with pending applications, if any.

CHANDRA DHARI SINGH, J

JANUARY 24, 2024
SV/DB

Click here to check corrigendum, if any