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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LPA 854/2023

MS RENU BALA & ORS.

..... Appellants

Through: Mr.K.C.Mittal & Mr.Amit Prakash
Shahi, Advs.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr.Chetan Sharma, ASG with
Mr.Vineet Dhanda, CGSC, Mr.Apoorv Kurup,
Mr.Amit Gupta, Ms.Gurleen Kaur,
Mr.Vikramaditya Singh & Ms.Gauri Gruburdhan,
Advs.

Mr.Tushar Sannu & Ms.Drona Negi, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

03.01.2024

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1. The present Letters Patent Appeal seeks to assail the order dated 22.12.2023 passed by the learned Single Judge in W.P.(C)16146/2023. Vide the impugned order the application filed by the appellants being CM APPL.64887/2023, seeking stay of the order dated 22.12.2023 passed by the respondent, has been rejected by the learned Single Judge.
2. It may be noted that vide the order dated 22.12.2023 of which stay



was sought before the Ld. Single Judge, the effective date of coming into effect of special Voluntary Retirement Scheme (VRS) in respect of the Rashtriya Mahila Kosh (RMK) employees including the appellants, had been fixed as 15.12.2023. The said date was subsequently extended.

3. The learned ASG appearing on behalf of the respondents, submits that all the employees of respondent no.2 including the appellants stand struck off from the strength of respondent no.2 w.e.f. 31.12.2023. Consequently, none of the appellants are in service any longer.
4. When faced with this situation, learned counsel for the appellants seeks to contend that respondent no.2/society could not have been wound up without following the mandatory procedures under the Societies Registration Act, 1860(the Act). He, therefore, urges that the appellants would continue to be on the strength of the respondent no.2, till the said respondent is wound up in accordance with the provisions of the Act.
5. After some arguments, he submits that the appellants would for the present, be satisfied in case, this Court were to grant liberty to the appellants to approach the learned Single Judge for preponement of the next date of hearing and also clarify that the observations made in the impugned order dated 22.12.2023 would be treated only as *prima facie* and would, therefore, not come in the way of the parties raising all available pleas as per law at the time of final arguments in the pending writ petition.
6. The learned ASG has no objection to this limited request.
7. The appeal is, accordingly, disposed of as not pressed by clarifying



that the observations made in the impugned order dated 22.12.2023 will therefore would be treated only as an expression of a *prima facie* view of the matter and will therefore, not come in the way of the parties in raising all permissible pleas as per law at the time of final hearing of the writ petition. Furthermore it will be open for the appellants to seek preponement of the next date of hearing before the learned Single Judge, which request, as and when, made will be considered by the learned Single Judge on its own merits.

REKHA PALLI, J

DR.SUDHIR KUMAR JAIN, J

JANUARY 3, 2024
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