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

+ **W.P.(C) 16331/2024**

LALIT KUMAR AND ORS

.....Petitioners

Through: Mr. Rajiv Agarwal with Ms. Surbhi
Bagra, Advocates.

versus

**ALL INDIA COUNCIL FOR TECHNICAL EDUCATION AICTE
AND ANR**

.....Respondents

Through: Mr. Anil Soni, Advocate.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

26.11.2024

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

CM APPL. 68790/2024 (exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 16331/2024 & CM APPL. 68789/2024 (for interim relief)

2. The petitioners through this petition have sought order to restrain the respondents from terminating their services during pendency of regularization dispute raised by them. Learned counsel for petitioners, taking me through record submits that some of the petitioners are working with the respondents management for past many decades and only now when in September, 2024, they raised a dispute for regularization, the respondents management intends to terminate their services. In this regard, learned counsel for petitioners has referred to Annexure P-3 of petitioner no.15 Smt. Nitu Kumari, according to which her services would be terminated tomorrow.

3. Learned counsel for respondents appearing on advance intimation accepts notice. It is admitted by learned counsel for respondents that the petitioners have been working with the respondents management for past



more than a decade. However, according to learned counsel for respondents status of the present petitioners is that of contractual workers. But admittedly, although the contractors keep changing but the workmen remain the same. That being so, prima facie it needs to be examined by the Tribunal as to whether the contractual arrangement here is genuine or not.

4. Under these circumstances, respondents are restrained from terminating services of the petitioners including petitioner no.15 till next date.

5. Counter-affidavits be filed within four weeks, to be followed by rejoinder, if any, within next two weeks.

6. At this stage, on instructions of his client, learned counsel for respondents submits that the petition may be disposed of, taking on record undertaking of the respondents that they shall not terminate services of any of the petitioners during pendency of the regularization dispute before the Industrial Adjudicator.

7. This statement made by learned counsel for respondents on behalf of both respondents is taken on record and the petition is disposed of directing the respondents not to terminate services of any of the petitioners during pendency of the regularization dispute. At the same time, the learned Industrial Tribunal is requested to decide the regularization dispute as expeditiously as possible but within a period of six months from receiving the Reference.

8. Accordingly, the pending applications also stand disposed of.

GIRISH KATHPALIA, J

NOVEMBER 26, 2024/ry