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

+ **W.P.(C) 17571/2024**

DAULAT RAM COLLEGE HOSTEL THROUGH ITS PRINCIPAL

.....Petitioner

Through: Advocate Venancio D'costa.

versus

GOVT OF NCT DELHI & ORS.

.....Respondents

Through: Ms. Sweety Singh, Advocate for R-1.
Mr. Krishan Kumar, Kanoongo from
SDM Office, Civil Lines.
Mr. Rajiv Agarwal, Advocate for
respondents/workman.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

19.12.2024

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

CM APPL. 74815/2024 (exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 17571/2024 & CM APPL. 74814/2024 (stay)

2. The petitioner has challenged warrants of attachment dated 11.12.2024 issued by the SDM in execution of an ex-parte award of the Industrial Tribunal. It is submitted by learned counsel for petitioner that since the learned judge presiding over the Central Government Industrial Tribunal-I has unfortunately passed away, application of petitioner for setting aside ex-parte order remains undecided, so the petitioner seeks protection till the new incumbent of the Tribunal takes over.



3. Learned counsel for respondent no.2 appearing on advance intimation points out that the petitioner has impleaded as many as seven workmen in this case, though the award was only against respondent no.2. Further, it is submitted by learned counsel for respondent no.2 that the award in question is of the year 2019. Further, it is submitted by learned counsel for respondent no.2 that what appears to have been challenged before the Tribunal is the order by which the present petitioner was proceeded ex parte and there is nothing to show that the award in question has been challenged.

4. Learned counsel for respondent no.1/SDM appearing on advance intimation accepts notice and submits that since December 2023, the petitioner was being granted opportunity to either pay the awarded amount or obtain a stay order from any authority but nothing was done, so the bank account was attached.

5. Of course, on account of unfortunate demise of the judge, the litigant cannot be left to suffer. But it would be necessary to ascertain as to if the learned Tribunal had recorded any prima facie view on the merits of the application to set aside ex-parte. Therefore, petitioner is directed to place on record certified copies of all ordersheets of the learned Tribunal.

6. At this stage, on instructions of his client, learned counsel for petitioner seeks permission to withdraw this petition with liberty to initiate appropriate legal proceedings. The petition and the accompanying applications are dismissed as withdrawn with liberty as sought.

GIRISH KATHPALIA, J

DECEMBER 19, 2024/ry

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