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

+ **W.P.(C) 271/2023 & CM APPL. 65997/2024**

MS. POOJA ANAND

.....Petitioner

Through: Mr. Aayush Agarwala, Mr.
Prakash Jha and Mr. Kunj Mehra,
Advocates.

versus

**BASIC CHEMICALS, COSMETICS AND
DYES EXPORT PROMOTION COUNCIL
(CHEMEXCIL) & ANR.**

.....Respondents

Through: Mr. Sanjay Ghose, Sr. Advocate
with Mr. Mohit Garg, Mr. Vinay
Ranjan and Mr. Pradeep Desodya,
Advocates for R-1.
Mr. Arjun Mahajan, SPC for UOI
with Mr. Apoorv Upmanyu and
Mr. Harsh Vashisht, Advocates for
R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

24.04.2025

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1. The present writ petition concerns employment related disputes raised by the petitioner against her employer - Basic Chemicals, Cosmetics and Dyes Export Promotion Council ["CHEMEXCIL"].
2. This is the third writ petition relating to the petitioner's service-related disputes against the same respondent. Two of those writ petitions [W.P.(C) 16740/2023 and W.P.(C) 355/2025] were dismissed by a judgment of this Court dated 23.01.2025, following a Division Bench



decision in *Dr. Jitarani Udgata vs. Union of India and Another* [(2022) SCC OnLine Del 3449] [herein after “*Dr. Jitarani Udgata*”]. The Division Bench, dealing with the case of the Gems and Jewellery Export Promotion Council, which is an Export Promotion Council, similar to CHEMEXCIL, came to the conclusion that the said Council was not amenable to the writ jurisdiction of the Court. The similarity between CHEMEXCIL and the said Council, in terms of its constitution and functions, was not substantially disputed. The Court, therefore, followed the said decision, and sustained the preliminary objection raised by learned Senior Counsel for CHEMEXCIL on the question of maintainability.

3. CHEMEXCIL thereafter filed CM APPL. 14578/2025 seeking early hearing of the present writ petition. In the said application, the following order was passed on 11.03.2025:

“3. Mr. Aayush Agarwala, learned counsel for the petitioner, however, submits that the judgment dated 23.01.2025 has been challenged before the Division Bench in LPAs filed under Diary Nos. 1275486/2025 and 1275286/2025. As the appeals have not yet come up for hearing before the Division Bench, he requests that the captioned writ petition may be listed on the date fixed so that the orders of the Division Bench can be considered.”

4. In view of the above submissions, the application is disposed of with the direction that the writ petition will be listed on the date already fixed, i.e. 24.04.2025. The further course of action will be decided on the next date of hearing, after considering the order of the Division Bench in the aforesaid appeals, if any.”

(Emphasis supplied)

4. Mr. Aayush Agarwala, learned counsel for the petitioner, submits that the LPAs, filed by the petitioner have not yet been brought to a hearing. Mr. Sanjay Ghose, learned Senior Counsel for CHEMEXCIL, submits that in these circumstances, this Court should follow the Division



Bench judgment in *Dr. Jitarani Udgata (supra)*, and the judgment dated 23.01.2025.

5. It is now more than three months since the judgment dated 23.01.2025 was passed. CHEMEXCIL's early hearing application was disposed of, on the submission that the writ petition be listed today, so that the orders of the Division Bench can be considered. Despite the passage of almost six weeks since, the appeals have not been listed. In any event, the judgment of *Dr. Jitarani Udgata (supra)* is a Division Bench judgment, and binding upon this Court.

6. Mr. Agarwala submits today that the judgment in *Dr. Jitarani Udgata (supra)* has been challenged by the petitioner therein, by way of Special Leave Petition (C) No (s). 5703/2023, in which the Supreme Court has granted leave on 16.05.2024. There is no interim order in the said appeal. The judgment in *Dr. Jitarani Udgata (supra)*, therefore, holds the field as on date.

7. Having regard to the above, I am of the view that the present writ petition is also liable to be dismissed, with liberty to the petitioner to take recourse to alternative remedies available to her in law. It is so ordered.

8. All pending applications also stand dismissed.

9. It is made clear that this Court has not addressed the rights and contentions of the parties on merits.

PRATEEK JALAN, J

APRIL 24, 2025

SS/kb/