



2025:DHC:9782



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

Date of decision: 07.11.2025

+ W.P.(C) 6021/2023 & CM APPLs. 23602/2023, 1564/2024

DEUTSCHE LUFTHANSA AGPetitioner

Through: Ms. Prapti Allagh, Advocate

versus

MS MANISHA THAKUR & ORS.Respondents

Through: Mr. Mohan Bir Singh, Advocate

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

JUDGMENT (ORAL)

CHANDRASEKHARAN SUDHA, J.

1. The present writ petition is directed against Annexure P-1 order dated 02.05.23 passed by the Learned Presiding Officer, Central Government Industrial Tribunal-cum Labour Court II, Delhi (the Tribunal) under Section 33-A of the Industrial Disputes Act, 1947, whereby the petitioner's request to adduce evidence was declined and enquiry proceedings were held to be vitiated.

2. The brief facts leading to the impugned order are as follows:



- 2.1.** The respondent was employed as a Cabin Crew with the petitioner since 05.12.2008. Her service was confirmed with effect from 25.06.2009. On 28.01.2020, a show cause notice was issued to her alleging: (i) that she had posted a picture of herself displaying her Lufthansa Airlines ID on social media, and (ii) that she had misrepresented her health condition by reporting sick on 28.04.2019 and 15.09.2019 and yet attended an event during the said days.
- 2.2.** In her reply, the respondent denied the allegations. A suspension order was issued on 07.02.2020. Thereafter, on 19.05.2021, a second show cause notice was served upon the respondent along with a copy of the enquiry report. It was stated that the charges against her stood proved.
- 3.** Subsequently, her services were terminated vide order dated 08.06.2021. Aggrieved, she filed Complaint No. 119/2021 under Section 33-A of the Industrial Disputes Act on the ground that her service conditions had been altered during the pendency of



Industrial Dispute No. 05/2018, raised by the Lufthansa Cabin Crew Association, of which she was a member. In the said complaint, the respondent alleged violation of section 33 of the Act. The petitioner's defence before the Tribunal was that there was no violation of Section 33 or 33(2) and that the enquiry was fair and proper and that the respondent had admitted her conduct during the enquiry.

4. Issue No.2 regarding the fairness of the inquiry and as to whether principles of natural justice has been followed in the domestic enquiry against the respondent was taken up as a preliminary issue and after evidence was received, the Impugned order was passed, the relevant portion of which reads as follows:

“There is an application filed by the mgt seeking permission. To adduce evidence to prove the charge; in case the domestic inquiry is held vitiated. But in my considered view, in this proceeding the opportunity of proving the charge cannot be given to the mgt since it is a proceeding filed by the claimant u/s 33A of the ID Act and the domestic inquiry or the proportionality of the punishment. Has not been questioned.



Hence, the matter is adjourned to 11.07.2023 for argument to be adduced by both the parties on issue no. 1 & 3 framed by order dated 02.06.2022, which shall include the objection of the mgt with regard to the status of the claimant if a workman or not.”

5. Aggrieved the petitioner has come up with the Writ Petition.
6. When the matter was taken up for hearing, it was fairly conceded by the learned counsel for the Respondent that as the matter has been pending since 2021 and as the Respondent stands terminated w.e.f 05.06.2021, there may not be further delay in disposing the matter and that he has no objection in the Petitioner/management being given an opportunity to adduce evidence as sought for by them. He also submits that a time frame may be fixed within which time, the matter should be disposed of by the Tribunal.
7. In light of the submissions made, this court is not going into the merits of the case. Hence the Impugned order is set aside giving liberty to the Petitioner/management to adduce evidence and substantiate their contention(s). On adducing such evidence,



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the Respondent herein is also at liberty to adduce necessary evidence to rebut the same. Thereafter, the tribunal shall dispose of the matter, in accordance with law, as expeditiously as possible, at any rate within a period of 3 months of receiving this order.

**CHANDRASEKHARAN SUDHA
(JUDGE)**

NOVEMBER 7, 2025

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