

Government of India
Ministry of Labour & Employment,
Central Government Industrial Tribunal-Cum-Labour Court-II, New Delhi.

Present:

Smt. Pranita Mohanty,
Presiding Officer, C.G.I.T.-Cum-Labour
Court-II, New Delhi.

ID NO. 11/2022

Date of Passing Order- 10th March, 2022.

Between:

Shri Ashok Kumar Singh and 09 others,
Through:-General Secretary, All India General Kamgar Union
U-90, Shakarpur, Delhi
New Delhi-110092.

Workmen

Versus

1. The Registrar
Jawaharlal Nehru University, New Mehrauli Road,
New Delhi-110067.
2. The Managing Director,
M/s G4S Service Solutions (India) Pvt. Ltd.
At: 16C, Community Centre, C-Block,
Janakpuri, New Delhi-110058.

Managements

Present:- Ms. Kawalpreet Kaur & Shri Surya Prakash, Ld. A/R for the claimant.
None for the management No.1 i.e. JNU.
Shri Gulshan Chawla, Ld. A/R for the management No.2.

ORDER

The matter stands posted today for filing of the statement of claim by the workmen and appearance of management No.1 and management No.2. As directed the claimants have filed the statement of claim supported by the documents. A separate petition has been filed by the claimant for a direction to the management no.1to maintain status quo in the service condition of the workmen and not to terminate their service pending disposal of this dispute without following the procedure envisaged u/s 33 of the ID Act.

The management No.1 JNU found absent on repeated call. But the management No.2 M/s G Four Services Solution India Pvt. Ltd. has appeared and the memo of appearance of the A/R is taken on record.

The Ld. A/R for the claimants while moving the application seeking status quo on the service condition of the claimants submitted that the workmen being threatened of termination had approached the



Hon'ble High Court of Delhi in WPC No. 10137 of 2019 and the Hon'ble High Court by order dated 20.09.2019 and 26.11.2019 granted interim protection to the workmen against termination of service by the management JNU. During course of hearing the Hon'ble High Court by order dated 07.12.2021 directed that the interim protection qua the workmen represented by the respondent no.1 Union will last only for two months for the date when reference is made. Again by order dated 24.02.2022 the Hon'ble High Court of Delhi directed that the interim protection granted vide order dated 07.12.2021 will continue to operate till 10.03.2022 and the presiding officer of CGIT-II will have the liberty to vary or modify the order dated 07.12.2021 after hearing all concerned.

Now the Ld. A/R for the claimants have stated that the notice of this proceeding was duly served on the management No.1, but the later intentionally did not appear before the tribunal today. On the contrary the claimant workmen have been verbally informed that 10th March 2022 is their last working day in view of the interim protection granted by the Hon'ble High Court. The Ld. A/R for the workmen thereby submitted that the interim protection granted to them by the Hon'ble High Court if would not be continued till appearance of management no.1 and a proper hearing on the issue, the workmen will be thrown out of their job and relief sought in the proceeding would become infructuous and illusory.

There is no dispute on the legal position that no distinct provision under the ID Act for grant of interim relief during pendency of the proceeding has been provided by the legislature. But considering the circumstances of an individual case the interim relief can be granted as incidental to the dispute pending for adjudication as has been held in the case of **Hotel Imperial vs. Hotel Workers Union reported in 1959 LLJ (II) 554**. In the case of **Jaipur Zila Sahakari Bhoomi Vikas Bank Ltd. vs. Ram Gopal Sharma & Others reported in (2002)2 SCC 244** the Hon'ble Supreme Court have clearly held that when during the pendency of an industrial dispute the service condition is changed without approval of the Tribunal it will be deemed that the order of dismissal was never passed. Thus, considering the Principle decided as mentioned above and the stage of this proceeding, it is felt desirable to grant the interim protection to the claimants who are apprehending discontinuance of service by the management No. 1. Accordingly it is directed that the management no.1 shall not terminate/discontinue the service of the claimant workmen till reply and hearing of the application filed by the claimants seeking interim protection pending disposal of the industrial

Received
10/3/2022



dispute. A copy of this order be made available to the claimants A/R for Dasti service on management No.1. Call on 6/4/2022 for appearance of management No.1 and WS by management No.2.

Basant
10/3/2022
Presiding Officer
10.03.2022



व्यक्ति
ATTESTED
S. K. Singh
सचिव
SECRETARY