

Sh. Hemant Kumar And Ors vs Employees State Insurance Corporation ... on 27 September, 2019

Author: J.R. Midha

Bench: J.R. Midha

\$~14

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 6891/2019 & CM APPL.28659/2019, 31783/2019

SH. HEMANT KUMAR AND ORS.

Through: Ms.Ritu Jain,
Advocates

..... Petitioners

Ms.M.N. Singh,

versus

EMPLOYEES STATE INSURANCE
CORPORATION AND ORS.

..... Respondents

Through: Mr.Yakesh Anand, Mr.Nimit Mathur,
Advocates for ESIC
Mr.Vikas Kundal, Sy. Director, ESIC
Hospital.
Mr.D.D. Sharma, A.E.(Civil)

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA
ORDER

% 27.09.2019

1. Learned counsel for respondent No.2 submits that respondent No.2 has posted all the petitioners at Delhi in terms of the order dated 02nd September, 2019. Copy of the affidavit of compliance is handed over and taken on record.

2. Learned counsel for the petitioners submits that petitioners No.11, 23 and 51 have been disengaged. Learned counsel for the petitioners has handed over the status report on behalf of the petitioners which is taken on record.

3. Learned counsel for respondent No.2 submits that petitioner No.11 misbehaved with the management and therefore, he was disengaged. Petitioner No.11 present in Court tenders an unconditional apology. Learned counsel for respondent No.2 submits that aforesaid three petitioners shall be posted at Delhi.

4. Learned counsel for respondent No.2 submits that respondent No.2 has paid the salary to the petitioners w.e.f. 01st August, 2019 in terms of order dated 02nd September, 2019.

5. Learned counsel for the petitioners submits that this petition be disposed of in terms of the orders passed in this petition subject to the condition that the petitioners be posted at Delhi to which learned counsel for respondent No.2 has no objection. Learned counsel for respondent No.2 submits that the petitioners are the contractual employees and they shall be governed by the provisions of Contract Labour (Regulation and Abolition) Act, 1970.

6. This petition is disposed of in terms of the orders passed by this Court. The petitioners shall continue to work as contractual employees and respondent No.2 shall post them at Delhi. The rights of the petitioner shall be governed by the Contract Labour (Regulation and Abolition) Act, 1970.

7. Learned counsel for respondent No.2 seeks exemption from filing the affidavit in terms of para 12 of the order dated 02nd September, 2019 to which learned counsel for the petitioner has no objection. The direction to file the affidavit of respondent No.2 in para 12 of the order dated 02nd September, 2019 is therefore, waived.

8. The pending applications are disposed of.

9. This Court appreciates the assistance rendered by learned counsel for both the parties in this matter.

10. Copy of this order be given dasti to counsel for the parties under the signature of the Court Master.

J.R. MIDHA, J.

SEPTEMBER 27, 2019/dk