

All India General Kamgar Union vs Union Of India & Ors on 5 October, 2020

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 4834/2020 and CM APPL. 17447-448/2020

ALL INDIA GENERAL KAMGAR UNION

Through: Mr. Gunjan Singh and Ms.
Wilson, Advocates (M:

versus

UNION OF INDIA & ORS.

Through: Mr. Kirtiman Singh, CGSC
Mr. Bhagvan Swarup Shu
with Mr. Shravan Kumar
Sawan Kumar Shukla, Ad
UOI.
Mr. Ashwany Kr. Sakuja
Puneet Sehni, Advocate
8810633505).

6 WITH

+ W.P.(C) 5697/2020 and CM APPL. 20586-587/2020

NITI TYAGI AND ORS

Through: Mr. Gunjan Singh and Ms.
Wilson, Advocates (M:

versus

UNION OF INDIA AND ORS

Through: Mr. Kirtiman Singh, CGSC
Mr. Jayant Bhatt, Sr.
with Ms. Nayantara Sha
Deepali Suri, Advocate
2.
Mr. Ashwini K. Sakhuja
Puneet Sehni, Advocate
8810633505).

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 05.10.2020

1. This hearing has been held through video conferencing.
2. The present petitions filed by contractual employees challenging their Digitally Signed By:SINDHU KRISHNAKUMAR Signing Date:05.10.2020 21:21:00 termination by the new contractor engaged at the Lady Hardinge Medical College and Hospital (hereinafter, "Hospital"). Vide orders dated 31st July 2020, in WP(C) 4834/2020, and 27th August 2020, in WP(C) 5697/2020, this Court had directed that the services of the Petitioners would not be terminated. The new contractor had also been impleaded as Respondent No.4.
3. Mr. Gunjan Singh, ld. counsel for the Petitioners, submits that all the Petitioners have been taken back into the service just a couple of days ago, though, they were to be taken back w.e.f. 1st September, 2020.
4. Mr. Puneet Sahni and Mr. Ashwini K. Sakhuja, ld counsels appear for the new contractor Respondent no.4 and submit that the brief counter affidavit, has been filed, however, the same is not on record. Let the same be brought on record. Since one of the partners is unwell due to COVID-19, a detailed affidavit could not be filed.
5. Mr. Shukla, ld. counsel appearing for the Hospital, submits that some of the employees, despite being issued notice and joining orders, have refused to join due to COVID-19. Mr. Gunjan Singh, ld. counsel, has disputed this position. In view thereof, it is directed that Mr. Shukla, ld. counsel, give a list of the employees, who are also Petitioners before this Court, who are not joining despite notice and joining orders, along with the copy of notices issued to them, by tomorrow i.e. 6th October, 2020 via e-mail to the counsel for the Petitioners. The said e-mail shall also be sent to all other counsels in this matter, before this Court. If there is any genuine reason for not joining, Mr. Gunjan ld. counsel for the Petitioners, shall write an e-mail back to Mr. Shukla, ld. CGSC, on or before 9th October, 2020, failing which, the Hospital is free to proceed in accordance with law after Digitally Signed By:SINDHU KRISHNAKUMAR Signing Date:05.10.2020 21:21:00 12th October 2020.
6. The Union of India has placed the report of the enquiry officer, Mr. Ghulam Mustafa, Director (GM), Directorate General of Health Services, on record, late last night by e-mail to the Court Master. Let the original report be transmitted to the Registry so that the same can be tagged along with the record of the Writ Petition Civil No. 4834/2020. This Court would consider on the next date as to the further course of action in respect of the report. The report be filed and kept in a sealed cover.
7. The report of the enquiry officer shall be put up before the appropriate authorities for further action to be taken, and the action taken report be also filed by the Ministry of Health before the next date of hearing.
8. None has appeared for Respondent No.3, however, ld. counsel for the Petitioner submits that he was contacted by Respondent No. 3 who informed him that he may wish to file pleadings. Let counter affidavit be filed by all the Respondents within a period of two weeks from today. Rejoinder thereto be filed within two weeks thereafter.

9. List on 5th November, 2020. Interim orders to continue.

PRATHIBA M. SINGH, J.

OCTOBER 5, 2020 MR/Ak