

(2021) 10 DEL CK 0087

Delhi High Court

Case No: Letter Patent Appeal No. 365 Of 2021, Civil Miscellaneous No. 35554-55 Of 2021

Vikas Kumar Sharma

APPELLANT

Vs

BSH Household Appliances
Manufacturing Pvt Ltd

RESPONDENT

Date of Decision: Oct. 11, 2021

Acts Referred:

- Industrial Disputes Act, 1947 - Section 17B

Hon'ble Judges: Rajiv Shakdher, J; Talwant Singh, J

Bench: Division Bench

Advocate: Anuj Aggarwal, Praveen Mahajan

Final Decision: Disposed Of

Judgement

Rajiv Shakdher, J

1. On the previous date, i.e., 07.10.2021, we had passed the following order:-

“CM No.35553/2021

1. Allowed, subject to just exceptions.

LPA 365/2021

CM No.35554/2021[Application filed on behalf of the appellant for taking additional documents on record]

CM No.35555/2021[Application filed on behalf of the appellant for interim relief]

2. This appeal is directed against the order dated 09.09.2021, passed by the learned single judge in W.P.(C.) 7188/2019.

2.1 The limited grievance of the appellant i.e., the workman is that, although, the early hearing application preferred by him was allowed, a direction

was issued by the learned single judge, which has the effect of listing the application, preferred under Section 17-B of the Industrial Disputes Act,

1947, along with the main matter i.e. the writ petition.

3. We may note that, the direction of the learned single judge, qua which the appellant/workman has articulated his grievance, is contained in

paragraph 6 of the impugned order.

3.1. For the sake of convenience, paragraph 6 of the impugned order is extracted hereafter :

“6. List the matter in the main list on 9th November, 2021 for hearing of the application under Section 17B of the Industrial Disputes Act, 1947 first

and then the main matter.”

3.2. Mr. Anuj Aggarwal, who appears on behalf of the appellant, says that, the direction [which is extracted hereinabove] is contrary to the judgment

of the Supreme Court rendered in Workmen v. Hindustan Vegetable Oils Corporation Ltd. & Ors., (2000) 9 SCC 534 as also the judgments rendered

by two Division Benches of this Court i.e., in LPA No.1902/2006 titled Iklash Hussain v. Delhi Transport Corporation, dated 18.10.2006, and, in LPA

No.190/2006 titled Airport Authority of India v. Puran Chand & Ors., dated 08.09.2006.

4. Issue notice to the respondent, via all permissible modes, including e-mail. Besides this, service will also be effected on the advocate, who appeared

for the respondent before the learned single judge.

5. List the matter on 11.10.2021.”

2. Today, Mr. Praveen Mahajan has entered appearance on behalf of the respondent.

2.1. Mr. Mahajan consents to the Section 17-B application, filed under Industrial Disputes Act, 1947, being disposed of by the learned single judge on

any date, as per her convenience, and once Section 17-B application is disposed of, the writ petition can be fixed for disposal, on the date allocated by

the learned single judge.

3. Given the foregoing, the appeal is disposed of, with the request to the learned single judge, to dispose of the application under Section 17-B of the

Industrial Disputes Act, 1947.

3.1. After a decision is rendered in the said application, the learned single judge would be free to allocate a date, for disposal of the writ petition.

3.2. In order to hasten the proceedings, list the writ petition [from which the present appeal arises], along with Section 17-B application, before the learned single judge on 25.10.2021, for directions.

4. The appeal is disposed of, in the aforesaid terms. Consequently, pending applications shall also stand closed.