

(2018) 02 DEL CK 0490

In the Delhi High Court

Case No : Civil Writ Petition No. 11107 Of 2015, Civil Miscellaneous No. 28774 Of 2015, 16570 Of 2016

HT Media Limited

APPELLANT

Vs

Deputy Labour Commissioner & Anr

RESPONDENT

Date of Decision : 20-02-2018

Acts Referred:

Constitution Of India, 1950 — Article 226
Working Journalists & Other Newspaper Employees (Conditions Of Service) And
Miscellaneous Provisions Act, 1955 — Section 17, 17(1), 17(2)

Citation : (2018) 02 DEL CK 0490

Hon'ble Judges : Vinod Goel, J

Bench : Single Bench

Advocate : Rajshekhar Rao, Nakul Sachdeva, Ankit Rajgarhia, Sanjoy Ghose,
Urvi Mohan, Umesh Sharma

Final Decision : Disposed Of

Judgement

Vinod Goel, J

1. By this writ petition filed under Article 226 of the Constitution of India, the petitioner, which is a newspaper establishment, seeks quashing of the

summon bearing No.20/WJA/DLC/NDD/2015/3454 dated 16.11.2015 issued to them by the Deputy Labour Commissioner/respondent no.1.

2. The respondent no.2 had approached the respondent no.1 to give him benefit of Majithia Wage Board Award recommendations which were

accepted by the Central Government on 11.11.2011.

3. Learned counsel for the petitioner submits that the petitioner had to invoke the jurisdiction of this court as the petitioner establishment had an

apprehension that the respondent no.1 intends to assume the jurisdiction to adjudicate the issue involved between the parties under Section 17 (1) of

the Working Journalists & Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (in short 'Working Journalists Act') instead of making a reference by the Government of NCT of Delhi under Section 17 (2) of the Working Journalists Act to the Labour Court in accordance with the law.

4. Learned counsel for the petitioner relies upon an order dated 13.10.2017 of the Hon'ble Supreme Court in Contempt Petition (C) 411/2014, wherein the Hon'ble Supreme Court has passed the following order:-

'1. Upon hearing the learned counsel for the applicant we clarify our Judgment dated 19.06.2017 to mean that dispute(s) referred for adjudication under Section 17 (2) of the Working Journalists and Other Newspaper Employees (Conditions of Service and Miscellaneous Provisions) Act, 1955 will be disposed of by the concerned Labour Court/Industrial Tribunal as expeditiously as possible, preferably, within six months of the reference being made.

2. With the aforesaid clarification the miscellaneous application is disposed of.'

5. He also relies upon another order of the Hon'ble Supreme Court dated 04.10.2016 in the said Contempt Petition No.411/2014 in W.P. (C) 246/2011 and the relevant para of the order reads as under: -

'In all cases where there is a dispute with regard to the amount payable, we direct the State Governments to act under the provisions of Section 17(2) of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955. The concerned Labour Court will finalize its award expeditiously and send the same to the State Government for due execution.'

6. Learned counsel for the petitioner submits that the petitioner establishment has been directed by the impugned notice to produce its evidence and documents in support of his defence.

7. Per contra, learned counsel for the respondents, submit that it was merely a summon on the application by the respondent no.2 and no formal order has been passed by the respondent no.1 and the petition is not maintainable merely on the basis of a summon issued by the respondent no.1.

8. At this stage, with the consent of the parties, this writ petition is disposed of in the following terms: -

(a) that the petitioner shall appear before the Deputy Labour Commissioner under Working Journalists Act with a representation along with the copies of relevant documents within four weeks;

(b) The Deputy Labour Commissioner shall decide the grievances/representations of the petitioner in accordance with law expeditiously.

9. In view of the above, CM 28774/2015 & 16570/2016 also stand disposed of.