

(2021) 09 DEL CK 0043

In the Delhi High Court

Case No : Civil Writ Petition No. 11145 Of 2020, Civil Miscellaneous Application
No. 34777 Of 2020

M/S Kamla Bhel Co Pvt Ltd

APPELLANT

Vs

Sunita Mehta & Ors

RESPONDENT

Date of Decision : 06-09-2021

Acts Referred:

Citation : (2021) 09 DEL CK 0043

Hon'ble Judges : Prathiba M. Singh, J

Bench : Single Bench

Advocate : Anupama C. Narang, Abhinav Singh

Final Decision : Disposed Of

Judgement

Prathiba M. Singh, J

1. This hearing has been done through video conferencing.

CM APPL.34777/2020 (for stay)

2. The amount of Rs.2 lakhs, in terms of the order dated 24th December 2020, passed by this Court, has been deposited. In view thereof, the interim order granted, is made absolute during the pendency of the petition.

3. The present application is disposed of in the above terms.

WP(C) 11145/2020

4. In the present case the grievance of the Petitioner is that it was never served in the proceedings before the Commissioner, Employees Compensation, New Delhi, and the proceedings culminated in the order which was not served upon the Petitioner.

5. Vide order dated 24th December 2020, this Court had directed a Senior Official of the Commissioner, Employees Compensation to file an affidavit in

respect of the directions issued for uploading the orders on the website, with details of whether the same are uploaded. The extract of the said order reads:

"xxx xxx xxx

5. The Commissioner under the Employee's Compensation Act, 1923 shall ensure that in future all the orders are uploaded on the Commissioner's website within one week of the same being passed so that litigants and lawyers are not inconvenienced in any manner.

6. Before the next date, let an affidavit be filed by a Senior Official of the Commissioner Employee's Compensation in respect of the directions issued for uploading the orders on the website, with details of where the same are uploaded. Mr. Abhinav Singh, Id. counsel shall obtain instructions in respect of the same."

6. Pursuant to the said order, an affidavit has been filed by Mr. S.C. Yadav, Additional Labour Commissioner, GNCTD, confirming the following:

(i) The copy of the order dated 29th May, 2019 has been sent to the Id. Counsel for the Petitioner, through speed post dated 29th December, 2020. Ms. Narang, Id. Counsel for the Petitioner, submits that she has received the order.

(ii) Secondly, the scanned copy of the Trial Court records has also been sent to the Court.

(iii) On the third issue of regular uploading of orders passed by the Labour Commissioner, the Court is informed that an order has been issued to the effect that orders ought to be uploaded on the portal. The extract of the said affidavit reads as under:

"3. That this Hon'ble Court has further directed for issuing order for uploading the orders of Commissioner Employee's Compensation on the website. It is submitted that the department has issued order No.F(63)/Lab/2020/23 dated 04/01/2021 directing all the Commissioner Employee's Compensation to send the soft copy of the order to System Analyst for uploading the same on the website of Labour Department. It is further submitted that the orders of the Employee's Compensation Commissioners are being uploaded on the website of labour department. The copy of the order dated No.F(63)/Lab/2020/23 dated 04/01/2021 is Annexed as R-3."

7. An order dated 4th January, 2020 is stated to have been passed by the Office of the Secretary-cum-Commissioner (Labour), which reads as under:

" The Hon'ble High Court of Delhi vide its order 24.12.2020 has issued following direction in respect of uploading of Employees Compensation Commissioner's order:-

"The Commissioner under the Employee's Compensation Act, 1923 shall ensure that in future all the orders are uploaded on the Commissioner's website

within one week of the same being passed so that litigants and lawyers are not inconvenienced in any manner."

In view of the above direction of the Hon'ble High Court, all the Employees Compensation Commissioners are directed to send their order issued under Employees Compensation Act, 1923 in PDF form to System Analyst on email id salab.delhi@nic.in within one working day of the issuance of the order. The System Analyst shall upload the order within 03 working days on the portal of Labour Department hosted at URL - labour.delhi.gov.in under the menu "Orders of Employees Compensation Commissioners".

All the Employees Compensation Commissioners are further directed to put the above mentioned direction of the Hon'ble Court on their notice Board to make the litigants and Advocates aware of the same.

This issues with approval of Secretary-cum-Commissioner (Labour)."

8. Thus, pursuant to the orders passed by this Court, steps are stated to have been taken for uploading of orders within three to four days. The uploading of orders is essential in order to ensure that litigants and lawyers are able to view and obtain orders without any inconvenience. It is accordingly directed that the Department shall ensure that the orders passed by the Employee Compensation Commissioners are uploaded within three to four working days on the portal of the Labour Department. It is made clear that non-compliance of the same would be dealt with strictly. As is seen in the present case, until the order dated 24th December 2020 was passed by this Court, the copy of the original order had not even been made available to the Petitioner. Such occurrences severely impede access to information relating to the proceedings before the authorities, delay the implementation of orders and further disable parties from availing legal remedies.

9. Insofar as the notice to the Respondent No. 1 is concerned, list before the Joint Registrar on 28th October, 2021 for completion of service and pleadings.

10. List before the Court on 3rd December, 2021.