
(2022) 06 DEL CK 0114

In the Delhi High Court

Case No : Civil Writ Petition No. 9511 Of 2022

Nanda Boishya & Ors.

APPELLANT

Vs

Ashok Hotel & Anr

RESPONDENT

Date of Decision : 17-06-2022

Acts Referred:

Citation : (2022) 06 DEL CK 0114

Hon'ble Judges : Jyoti Singh, J

Bench : Single Bench

Advocate : A.P. Dhamija, J.P. Singh, Tanya Singh, Ravi Sikri, Sumitra Choudhary, Renu Bajpai, Shikhar Sardana, Ajay Singh

Final Decision : Disposed Of

Judgement

Jyoti Singh, J

CM APPL. 28383/2022 & 28384/2022 (Exemptions)

Allowed, subject to all just exceptions.

Applications stand disposed of.

WP(C) 9511/2022 and CM APPL. 28382/2022 (stay)

1. Present writ petition has been filed by the Petitioners seeking quashing of the letter dated 01.06.2022 issued by Respondent No.2 whereby the services of the Petitioners are sought to be discontinued with effect from 11.06.2022.

2. Learned counsel for the Petitioners submits that the Petitioners are Ex-servicemen and have been working with Respondent No.1 for a long period as Security Guards. He further submits that there are several litigations which are pending between Respondent No.1 herein and its employees relating to the regularization policy, status of employment, etc. It is further submitted that recently, in another petition being WP(C) 4774/2020, a Co-ordinate Bench of this Court vide order dated 31.07.2020 had protected the services of the Security

Guards of the Hotel by directing that if any new contractor is engaged by ITDC, services of the Petitioners therein shall not be terminated and they shall be allowed to perform the same duties as they are currently performing.

3. Mr. Ravi Sikri, learned Senior Counsel appearing on behalf of Respondent No.1, on instructions, fairly and candidly submits that a new contractor has been appointed and he is willing to employ the Petitioners, however, with a caveat that the salary and emoluments as well as other terms and conditions of service would not be at par with those employed as per the Directorate General of Re-settlement ('DGR') Rates and terms.

4. After some hearing, Mr. A.P. Dhamija, learned counsel appearing on behalf of the Petitioners, on instructions, submits that since the Petitioners have been working with Respondent No.1 for many years and at this stage will be unable to find any other employment, they are willing to be employed under the new contractor, with a caveat that they may be given liberty to raise the issues of salary, etc. in an appropriate Forum.

5. Mr. Sikri has no objection to the said arrangement provided the rights and contentions of Respondent No.1 with respect to other issues relating to salary, emoluments, conditions of service are left open.

6. In view of the aforesaid, Petitioners are at liberty to join the new contractor appointed by Respondent No.1. As agreed, the joining of the Petitioners would be without prejudice to the rights and contentions of the parties to the lis, with respect to salaries and emoluments and other terms and conditions of service, which they are at liberty to raise in an appropriate Forum.

7. It is made clear that this Court has not expressed any opinion on the merits of the issues raised herein.

8. Writ petition is disposed of in the above terms.

9. Pending application also stands disposed of.