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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 14th August, 2020

+ **W.P.(C) 5255/2020 & CM APPLs. 18940/2020, 18941/2020**
M/S KUMAR FOOD INDUSTRIES LTD Petitioner
Through: Ms. Nandita Abrol, Advocate (M-9899970368)

versus

GOVT OF NCT & ANR. Respondents
Through: Mr. Sumit Jidani, Advocate for R-1
(M-9810664300)

4 WITH
+ **W.P.(C) 5256/2020 & CM APPLs. 18942/2020, 18943/2020**
M/S KUMAR FOOD INDUSTRIES LTD Petitioner
Through: Ms. Nandita Abrol, Advocate

versus

6 GOVT OF NCT & ANR. Respondents
Through: Mr. Sumit Jidani, Advocate for R-1
WITH
+ **W.P.(C) 5270/2020 & CM APPLs. 18988/2020, 18989/2020**
M/S KUMAR FOOD INDUSTRIES Petitioner
Through: Ms. Nandita Abrol, Advocate

versus

7 GOVT OF NCT & ANR. Respondents
Through: Mr. Sumit Jidani, Advocate for R-1
WITH
+ **W.P.(C) 5271/2020 & CM APPLs. 18990/2020, 18991/2020**
M/S KUMAR FOOD INDUSTRIES LTD Petitioner
Through: Ms. Nandita Abrol, Advocate

versus

GOVT OF NCT & ANR. Respondents
Through: Mr. Sumit Jidani, Advocate for R-1

8
+

WITH
W.P.(C) 5279/2020 & CM APPLs. 19020/2020, 19021/2020
M/S KUMAR FOOD INDUSTRIES LTD Petitioner
Through: Ms. Nandita Abrol, Advocate

versus

GOVT OF NCT & ANR. Respondents
Through: Mr. Sumit Jidani, Advocate for R-1

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been held through video-conferencing.
2. The present petitions have been preferred challenging the impugned order dated 4th August, 2020 passed by the Presiding Officer, Labour Court. The brief background is that the Respondent/Workmen had instituted industrial disputes against the Petitioner/Management and *ex parte* awards were passed on 16th October, 2019. The case of the Petitioner is that it was informed of the awards which were passed only when the letters dated 10th July 2020 in respect of the non-implementation of the awards were received from the Deputy Labour Commissioner/ Implementation Officer of the GNCTD.
3. Ms. Nandita Abrol, Id. Counsel appearing for the Petitioner submits that upon being served with the said letters dated 10th July, 2020, the Petitioner approached the Labour Court by means of a consolidated Application on 23rd

July, 2020 for obtaining the copies of the entire proceedings before the Labour Court. In the said Application on 4th August, 2020, the Labour Court passed an order rejecting the same. It also did not direct providing of the record of the cases and has observed that the Petitioner failed to appear in the proceedings despite being served, hence leading to the *ex parte* award against the Management.

4. The grievance of the Petitioner is that since the Petitioner does not have any records of the proceedings before the Labour Court, the rejection of application to provide the records is not tenable as the Petitioner should be permitted to avail of its remedies in accordance with law.

5. A perusal of the application filed by the Petitioner shows that the limited prayer in the said application was for permission to obtain the complete files of LIR Nos. 3145/17, 3146/17, 3147/17, 3148/17 and 3149/17. While deciding the said application, the Presiding Officer, Labour Court has observed that the Petitioner did not appear despite service and therefore waived his remedies.

6. The approach of the Labour Court is erroneous inasmuch as it cannot be presumed that the Petitioner's case that it did not have the records and files of the proceedings is incorrect. Though the management may have been proceeded *ex parte*, leading to the award dated 16th October, 2019, the management ought to be allowed to avail of its remedies to challenge the said order in accordance with law. Thus, the directions ought to have been given by the Presiding Officer for issuance of the copies of the records and the files. No party can be deprived of access to records. Inspection ought to be permitted and if the same is not possible the Petitioner ought to be permitted to obtain certified/uncertified copies to avail its remedies in accordance with

law.

7. Accordingly, it is directed that the copies of the record of LIR Nos. 3145/17, 3146/17, 3147/17, 3148/17 and 3149/17 be provided to the Petitioner within a period of one week from today. Upon the same being provided, the Petitioner is permitted to avail of its remedies in accordance with law. In view of this order, the Implementation Officer shall adjourn the matter, stated to be listed before him on 20th August, 2020, by one month in order to enable the Petitioner to avail its remedies. Upon the expiry of one month, the Implementation Officer is free to proceed in accordance with law. It is made clear that this Court has not made any observations on the merits of the dispute as also the question as to whether the Petitioner was rightly served or rightly proceeded with *ex parte* or not. All contentions of parties are left upon.

8. The present petitions with all pending applications are disposed of in the above terms.

PRATHIBA M. SINGH
JUDGE

AUGUST 14, 2020

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