

\$~9

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3040/2021**

ABDUL MAJID AND ORS Petitioners
Through: Ms. Ritu Jain & Mr. M.N. Singh,
Advocates. (M:9313988114)
versus

EMPLOYEES STATE INSURANCE CORPORATION AND ORS
..... Respondents
Through: Mr. Yakesh Anand & Mr. Akshay
Thakur, Advocates for R-1 to 3/ESI.
Mr. Anil Soni, CGSC with Mr.
Devesh Dubey, Advocate for UOI.
(M:9312224805)
Mr. Pankaj Kumar, Advocate for R-4.
Mr. Neeraj, Mr. Sahaj Garg, Mr.
Rudra Paliwal & Mr. Vedansh,
Advocates for R-9.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **21.10.2021**

1. This hearing has been done through hybrid mode.
2. Vide order dated 28th July 2021, the present petition had been disposed of and directions were passed in respect of making online hearings at the Central Government Industrial Tribunal (hereinafter 'CGIT') efficient, as also in respect of expeditious hearing of the case of the Petitioners by the CGIT. Today, the matter has been listed for the purposes of compliance.
3. Insofar as the upgradation of the CGIT's infrastructure, as well as appointment of the second Presiding Officer is concerned, this court had passed the following directions on the last date of hearing:

“12. Considering these facts, until it is fit to hold physical hearings, the CGIT ought to be equipped with necessary facilities for the conduct of video conferencing hearings, through an online platform. Accordingly, in order to make the online functioning of the CGIT efficient, the following directions are issued:

(i) The CGIT would procure the required number of Cisco Webex license/s, in order to enable it to conduct hearings throughout the working hours of the day, on a daily basis.

(ii) High speed internet shall be immediately installed in the CGIT, through any of the established players, for the conduct of hearings through video conferencing on an online platform, so that issues or disruptions due to non-availability/improper internet connection, do not take place during the hearings.

(iii) For any other assistance that would be required in terms of manpower, including stenographic assistance, the Presiding Officer, CGIT is permitted to take steps in accordance with the established procedure, and the Ministry of Labour and Employment shall provide all necessary cooperation in this regard.

(iv) The Ministry of Labour and Employment has undertaken to make the necessary funds available urgently for provision of the infrastructure in the CGIT including procurement of Cisco WebeX licences, broadband high speed internet as also other facilities which are necessary to conduct

online hearings at the CGIT.

(v) Mr. Sarsij Kumar (M:965000723) and Mr. Zameem Ahmad Khan (M:9650006732) from the IT department of the Delhi High Court, are requested to visit the CGIT office on 30th July 2021, at 2:00 PM, and coordinate with Mr. Rishabh Dev (M:8168278201), Secretary to the Presiding Officer, in order to set out the steps to be taken for efficient conduct of proceedings through video conferencing within the next two weeks itself. The concerned officer of the Ministry of Labour and Employment, under whom the CGIT works, shall be deputed at the site in order to ensure that there is proper coordination in timely implementation of the necessary steps.

(vi) It is informed that a Committee is already functioning in the Ministry for dealing with these issues. If so, the Committee shall give effect to the order passed today by this Court, and shall cooperate with the officers of IT Department of the Delhi High Court.

13. This Court has also been informed that there are two benches of the CGIT which normally function in Delhi, i.e., CGIT-I and CGIT-II. However, only one Presiding Officer, Ms. Pranita Mahanti, has been working and the said Presiding Officer is holding hearings qua both these Benches.

14. There is no reason as to why the position of another Presiding Officer of the CGIT is being kept vacant, and the appointment of a Presiding Officer for the second Bench is being delayed.

Accordingly, the Ministry of Labour and Employment, or the relevant appointing authority, is directed to take expeditious steps to fill the vacancy of the said Presiding Officer for second Bench of CGIT.

15. Let a status report in respect thereof be put up before this court within six weeks by Mr. Soni Id. CGSC.”

4. On the last date of hearing, i.e., on 20th September 2021, Mr. Anil Soni, Id. CGSC, had sought further time to file the affidavit. Further, an affidavit was directed to be filed on behalf of the Registrar of the CGIT, as to the update in respect of the infrastructure at the CGIT.

5. The status report has now been filed by Mr. Anil Soni, Id. CGSC. The said status report, which has been deposed by Mr. Satish Chander, Under Secretary to the Ministry of Labour & Employment, Government of India, shows quite a dismal state of affairs at the CGIT. Till date, the *Cisco Webex* licences and the high speed internet connection does not appear to have been obtained for enabling the smooth functioning of the CGIT. As per the status report, it is not clear if any funds have even been sanctioned for this purpose. There is also no clarity on as to when the licence provider of the *Cisco Webex* was contacted.

6. Ld. Counsels appearing today, who regularly appear before the CGIT and other Labour Courts, submit that the CGIT caters to the whole of North India and in the absence of proper IT infrastructure, effective hearings are proving to be difficult. The status report does not show any urgency to enable the CGIT's functioning, with the required technical infrastructure. It has already been noted by this Court in previous orders that the CGIT is an important Tribunal which is required to function regularly, to cater to the

interest and concerns of Workmen working with Government establishments.

7. Accordingly, the Secretary, CGIT and Mr. Satish Chander, Under Secretary, Ministry of Labour and Employment, shall appear before the Court on 21st November, 2021 at 2:30 p.m.

8. In the meantime, Mr. Anil Soni, Id. CGSC, to ascertain as to whether a separate internet connection would be required for high speed internet, and how many licenses of *Cisco Webex* would also be required.

9. List on 25th October, 2021 at 2:30 p.m.

PRATHIBA M. SINGH, J.

OCTOBER 21, 2021

dj/ak

10. At this stage, Mr. Fidel Sebastian, Id. Counsel appearing lawyers practising before the CGIT submits that he has moved an application. He has been appraised of the order passed today. Let the application filed by him be listed on the next date.

PRATHIBA M. SINGH, J.

OCTOBER 21, 2021

dj/ak