

\$~21

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 10th February, 2022

+ **W.P.(C) 2595/2022**

POOJA SAROJ

..... Petitioner

Through: Mr. Kamal Kumar Mishra, Mr.
Aditya Kadian and Ms .Pragya
Dubey, Advocates.

versus

**MINISTRY OF LABOUR AND EMPLOYMENT GOVT. OF
INDIA AND ORS**

..... Respondents

Through: Mr. Ajay Dignpaul, CGSC with Mr.
Kamal R. Dignpaul, Advocates for R-
1, 3 & 4.

Mr. Sameer Vashisht, ASC, with Ms.
Sanjana Nangia, Advocate for
GNCTD/R-2.

Mr. Abhinav Mukhi, Advocate for
ICICI Bank.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

1. This hearing has been done through video conferencing.

CM APPL.7416/2022 (for exemption from affirmed affidavit and court fee)

2. This is an application seeking exemption from filing court fees and duly affirmed affidavits along with the present petition. Binding the deponent of the affidavit to the contents of the application, the exemption is granted. Insofar as the court fee is concerned, the same shall be deposited within one week after the reopening of the physical Court.

3. Application is disposed of in above terms. Registry to submit a report before the next date of hearing in case the court fees is not filed within the stipulated period.

W.P.(C) 2595/2022 & CM APPL.7415/2022 (interim relief)

4. The present petition raises two issues. The first issue relates to the status of the Petitioner's case before the Central Government Industrial Tribunal (*hereinafter "CGIT"*) and secondly, relating to the non-availability of proceeding sheets, orders and other data relating to the pending cases of the CGIT on its website.

5. The background of the case is that the Petitioner/Workman (*hereinafter "Workman"*) was working with Respondent No.5-ICICI Bank, Videocon Tower, Jhandewalan Extension Branch, New Delhi as a Deputy Manager. She was transferred to Sirsa branch, Haryana by the Respondent Bank and the same came to be challenged before this Court by way of writ petition being *W.P.(C) 10462/2021* titled *Pooja Saroj v. Labour Commissioner & Ors.* Since the Workman did not join in Sirsa, the services of the Petitioner were terminated by the Bank. Allegedly, the reason why the Petitioner states that she could not join at Sirsa branch, was because her residence was in Delhi and she was also having some medical conditions due to COVID-19. However, the Bank decided to terminate her.

6. This Court had, vide order dated 1st October, 2021 in *W.P.(C) 10462/2021* challenging the order of transfer, directed the Workman to avail of her remedies in according with law before the appropriate authority. The directions given in the said order read as under:

“5. Since the Petitioner has now been terminated from service, the Petitioner is permitted to avail of her remedies in accordance with law, before the appropriate authority. Needless to add that if the Petitioner approaches the authorities concerned, the authorities shall take up the matter on an urgent basis and decide it expeditiously within a period of 3 months from the date of first hearing.”

7. Immediately thereafter, the Petitioner approached the CGIT in October, 2021 vide **DID No. 123/2021/1964** titled **Pooja Saroj v. ICICI Bank**. The matter was stated to be listed before the CGIT on 16th November, 2021 and on 4th January, 2022. On the last date of hearing, the matter is stated to have been simply adjourned to 6th April, 2022. Mr. Mishra, Id. counsel for the Workman, submits that the orders of the said dates are not available on the website of CGIT. Additionally, only one bench of the CGIT is stated to be functioning. Further he submits that the data relating to the CGIT in respect of number of cases and the pendency thereof are also not available on the CGIT website. He contrasts this position with the Labour Courts of GNCTD wherein the said Labour Courts are duly integrated with the *eCourts India* website and the National Judicial Data Grid (NJDG) and all the data is available online for the litigants. He submits that as per the Zero Pendency Courts Project report, which is a pilot project undertaken by the High Court of Delhi, there were various steps which were suggested to be taken in respect of Labour Courts, however the CGIT does not specifically fall under the umbrella of Labour Court. He submits that the litigants before the CGIT are being prejudiced due to non-availability of adequate number of Benches, non-availability of order sheets and proceedings on a daily basis. Moreover, the judgments passed by the CGIT

are not being uploaded in a timely manner. He also submits that the CGIT is grossly understaffed leading to enormous pendency, the data of which is not even available.

8. Mr. Digpaul, Id. counsel appearing for the Union of India submits that he is not aware about the situation *qua* the CGIT in respect of staffing and the number of Benches and other issues raised by the Id. Counsel for the Petitioner before this Court.

9. In this respect, it is pertinent to point out that this Court on an earlier occasion in order dated 30th November 2021 in *W.P.(C) 7727/2019* titled *SDMC v. Satish & Ors.* directed that the Labour Courts and the CGIT ought to upload their orders within 48 hours. The relevant extract of the said order is as follows-

“9. Needless to add, in this digital age, all orders of the Labour Courts and of the CGIT including the Awards, ought to be uploaded on the respective website of the Labour Court /CGIT within 48 hours of the same being passed, so that if parties wish to avail of their remedies, they are able to do so, in accordance with law, irrespective of whether the certified copies of the orders/Awards are available or the Awards are published or not. This order shall be implemented by all Labour Courts and CGIT with immediate effect.

10. Let a copy of this order be communicated to the worthy Registrar General, Delhi High Court who shall communicate the same to the concerned District Judges as also the Presiding Officers at the Labour Court and the CGIT to ensure compliance of the above direction.”

10. The court has accessed the respective websites of Labour Courts and CGIT and observed that data relating to Labour Courts are accessible on the

eCourts India website, however the CGIT data is not available. In view of the submissions made before the Court today, this Court is of the *prima facie* view that the directions given in the aforementioned order by this Court have not been given effect to by the CGIT. Therefore, an explanation is due from the Registrar, CGIT as to what steps were taken pursuant to the orders passed by this Court.

11. Insofar as the facts of the case at hand are concerned, submission of Mr. Mishra is that the Workman is a young professional who wishes to seek an alternate employment if the Respondent No.5-ICICI Bank is not willing to take her back. Under such circumstances, he submits that the proper relieving letter ought to be given by the Respondent Bank and various statutory dues ought to be paid to the Workman in accordance with law.

12. Mr. Mukhi, Id. counsel appearing for the ICICI Bank submits that without prejudice to the contentions on merits, the Respondent Bank is willing to explore amicable resolution of the dispute with the Workman so that her career is not jeopardized in any manner.

13. In the above circumstances, the following directions are issued-

(1) The Respondent Bank and the Workman shall appear before the Delhi High Court Mediation and Conciliation Centre **on 21st February, 2022 at 2:00 pm** to explore the possibility of amicable resolution, both with regard to the relieving letter as also in respect of all the dues to which the Petitioner is entitled to in terms of her employment conditions. The parties shall appear before the mediation centre either virtually or physically subject to the convenience of the Id. Mediator and the parties. A competent official from the ICICI Bank, who is empowered to take decisions,

shall remain present as also the Workman so that the resolution of the dispute is ensured on an early date.

(2) The Respondent Nos.1 & 3 shall place a status report as to the status of the CGIT in terms of the appointments and number of Benches which are currently functioning. The details in the said status report shall contain the following details-

(i) Staffing in the CGIT; whether any further staff and infrastructure is required to handle the current backlog of cases.

(ii) Whether the Central Government has contemplated integration of CGIT website with *eCourts India* website/NJDG and whether there are any proposals to this effect, which are pending.

(iii) The timeline within which all the data relating to the pendency before the CGIT, the order sheets and the judgments of the CGIT to be uploaded on its own website will be implemented.

(3) The reports shall be filed by the Respondent Nos.1 & 3 within a period of four weeks.

(4) The Registrar, CGIT shall place an affidavit before this Court as the steps taken by the CGIT to implement the directions contained in order dated 30th November, 2021 passed in ***W.P.(C) 7727/2019*** titled ***SDMC v. Satish*** passed by this Court as also the reason for delay in the implementation of the said directions. The said affidavit shall be filed within 4 weeks.

14. Let the matter be listed on 5th April, 2022 for receiving the status report, the affidavits as also the outcome of the mediation proceedings.

**PRATHIBA M. SINGH
JUDGE**

FEBRUARY 10, 2022/dk/sk

