

**BEFORE THE HON'BLE PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT, DELHI; ROOM NO 208,
ROUSE AVENUE DISTRICT COURT COMPLEX, NEW DELHI-110002.**

APPEAL NO. D-1/24/2020

M/s. Shivalik Housekeping Services

Appellant

Vs.

RPFC Delhi (East)

Respondent

ORDER DATED 08.12.2020

An order dated 01 September 2020 passed by Hon'ble Delhi High Court in W.P.(C) 5857/2020 & CM APPLs. 21156-57/2020 is received wherein the Hon'ble Delhi High Court has observed:-

4. The amounts of Rs.17,69,302/- as damages and interest of Rs.9,88,387/- were imposed by the impugned order dated 5th February, 2020. The said order was appealed against before the CGIT which granted an interim order dated 7th August, 2020, only staying the damages portion of the award of RPFC, subject to deposit of Rs.3,50,000/-.

5. Both the parties are represented before this Court. It is quite clear after seeing the record that the Petitioner had not been given an opportunity before the RPFC on merits. Since the Petitioner had not been given an opportunity, CGIT ought not to have gone into the merits of the matter. The proper course of action is to afford the Petitioner a hearing before the RPFC itself, in order to ensure that it may put forward its case

on merits as to whether the damages and interest are leviable or not.

6. Under these circumstances, the order dated 5th February, 2020 is set aside and the matter is remanded back to the RPFC for fresh adjudication on merits after hearing both the parties. The matter is fixed for directions before the RPFC on 5th October, 2020. On the said date, the RPFC may hear the parties and then pass an order on merits.

7. The RPFC shall not be affected by the observations either in the order dated 5th February, 2020 or the order dated 7th August, 2020 passed by the CGIT.

8. With these observations, the present petition and all pending applications are disposed of.

In view of the aforementioned order passed by Hon'ble Delhi High Court, the present appeal filed in this Tribunal stands disposed of. Record be consigned to the record room after sending the order to the parties as per rules.

Sd/-

Pranita Mohanty

(Presiding Officer)