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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4834/2020 & CM APPLS. 17447/2020, 17448/2020**

ALL INDIA GENERAL KAMGAR UNION Petitioner

Through: Mr. Gunjan Singh, Advocate.
(M:9643500529)

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Sarvan Kumar Shukla, Advocate
for Mr. Bhagvan Swarup Shukla,
CGSC for UOI and Lady Hardinge
Hospital.
Mr. Kirtiman Singh, CGSC.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
31.07.2020

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1. The hearing has been held through video conferencing.
2. The Petitioner, All India General Kamgar Union is a registered Trade Union. It has filed the present writ petition on behalf of 35 Workmen working in the Respondent-hospital Lady Hardinge Medical College (*hereinafter 'Hospital'*). The grievance of the Workmen is that they have been working since 2015 in the Hospital as Multi-Tasking Staffs (*hereinafter 'MTS'*). However, they have been told last week that their services are going to be terminated, as a new contractor has been engaged.
3. Mr. Gunjan Singh, ld. counsel appearing for the Petitioner submits that there has been no complaint against all these employees and they were being regularly paid salaries through the earlier contractor i.e. Jai Balaji Security

Services. A new contractor is now being engaged by the Hospital and the Petitioners have been told that unless and until they pay money to the new contractor, they would not be retained by the Hospital. It is also submitted that several of the employees have in fact paid the new contractor and their services have been retained by the Hospital.

4. This Court has noticed that such grievances against Contractors are being raised in many cases. Considering the fact that such a grievance, that a new contractor has been engaged and is charging commission both in lump-sum and as a cut in monthly salaries from the employees has been made against a reputed hospital, a senior official of Ministry of Health shall look into this matter concerning the Lady Hardinge Medical College and submit a report before the next date of hearing.

5. Insofar as the 35 employees who are working as MTS are concerned, it is directed that the new Contractor i.e. M/s Competent Services (Regd.) shall engage the services of the Petitioners on the same terms and conditions and shall not charge any commission or premium from them. M/s Competent Services (Regd.) shall also ensure that the complete salaries as agreed to in the contract would be paid to them. Till the next date of hearing, the services of the Petitioners shall not be terminated. M/s Competent Services (Regd.) (M:9811021459) shall be served with a copy of this order by the Id. counsel for the Hospital to ensure compliance.

6. Mr. Shukla, Id. counsel appearing for the Hospital is directed to place on record a copy of the contracts with the earlier contractor as well as with the new Contractor.

7. M/s Competent Services (Regd.) is impleaded as Respondent No.4. Let the amended memo of parties be filed within one week.

8. Copy of this order be communicated by Mr. Kirtiman Singh CGSC, to the Secretary, Ministry of Health to nominate an official for looking into the matter, as directed above. List on 5th October, 2020.

PRATHIBA M. SINGH, J

JULY 31, 2020

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