

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL)..... Diary No(s).10983/2020

FICUS PAX PRIVATE LIMITED & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

([HEARD BY : HON. ASHOK BHUSHAN, HON. SANJAY KISHAN KAUL AND HON. M.R. SHAH, JJ.]

IA No.48452/2020 - INTERVENTION APPLICATION

IA No.48914/2020 - INTERVENTION/IMPLEADMENT

IA No.48669/2020 - INTERVENTION/IMPLEADMENT)

WITH

W.P.(C) No.500/2020

W.P.(C) No.498/2020

W.P.(C) No.480/2020

W.P.(C) No.484/2020

W.P.(C) No.501/2020

W.P.(C) No.....Diary No(s).10981/2020

W.P.(C) No.....Diary No(s).10993/2020

W.P.(C) No.....Diary No(s).11018/2020

W.P.(C) No.....Diary No(s).10041/2020

W.P.(C) No.....Diary No(s).10048/2020

W.P.(C) No.....Diary No(s).10094/2020

W.P.(C) No.....Diary No(s).11111/2020

W.P.(C) No.....Diary No(s).11180/2020

W.P.(C) No.494/2020

W.P.(C) No.....Diary No(s).11194/2020

W.P.(C) No.....Diary No(s).11223/2020

W.P.(C) No.....Diary No(s).11282/2020

W.P.(C) No.....Diary No(s).11309/2020

W.P.(C) No.....Diary No(s).11310/2020

Date : 12-06-2020 These matters were called on for pronouncement of order.

For Petitioner(s)

Mr. R. Basant, Sr. Adv.
Mr. Raghenth Basant, Adv.
Ms. Liz Mathew, AOR

Mr. Gautam Singh, Adv.
Mr. Harminder Syal, Adv.
Mr. Krishna Kumar Singh, AOR

Mr T. Sundar Ramanathan, Adv.
Mr. M.P. Devnath, AOR
Mr Abir Roy, Adv.
Ms Prerana De, Adv.
Mr Ishaan Chakrabarti, Adv.

Ms. Sakshi Mehley, AOR
Ms. Harshita Kumar, Adv.

Mr. Vipin Singhania, Adv.
Mr. Nikhil Jain, AOR

Mr. Parthiv K. Goswami, Adv.
Ms. Diksha Rai, AOR

Mr. Anish Gupta, Adv.
Mr. Adarh Tripathi, Adv.
Mr. Nikhil Khandpal, Adv.
Mr. Gaurav Srivastava, AOR

Mr. Vishal Sharma, Adv.
Ms. Meera Mathur, AOR

Mr. Varun Singh, Adv.
Ms. Nishtha Kumar, AOR
Ms. Deepti Arya, Adv.
Mr. Akshay Dev, Adv.
Mr. Rishabh Rana, Adv.

Mr. Jamshed Cama, Sr. Adv.
Mr. Abhay Nevagi, Adv.
Mr. Krishan Kumar, AOR
Mr. Mohit Gulati, Adv.
Mr. Govindram D. Talreja, Adv.
Mr. S.C. Ralhan, Adv.

Mr. Purvish Jitendra Malkan, AOR
Mr. Gaurav Mehta, Adv.
Mr. Man Mohan Sharma, Adv.
Ms. Dharita P. Malkan, Adv.
Ms. Deepa Gorasia, Adv.

Ms. Sakshi Mehley, AOR

Mr. Jeetender Gupta, AOR

Mr. Aditya Giri, petitioner-in-person

For Respondent(s)

Mr. K.K. Venugopal, AG
Mr. Tushar Mehta, SG

Mr. K.M. Nataraj, ASG
Mr. Rajat Nair, Adv.
Ms. Swati Ghildiyal, Adv.

Mr. Sanjay Singhvi, Sr. Adv.
Ms. Aparna Bhat, AOR
Ms. Karishma Maria, Adv.

Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, AOR

Mr. Karan Bharihoke, AOR

Mr. G. Prakash Jishnu M.L, Adv.

Mr. Manish Kumar Saran, AOR

Mr. Shuvodeep Roy, AOR

For applicant(s)

Ms. Indira Jaising, Sr. Adv.
Mr. Anand Grover, Sr. Adv.
Ms. Gayatri Singh, Sr. Adv.
Mr. Sunil Fernandes, AOR
Ms. Nupur Kumar, Adv.
Mr. Zeeshan Diwan, Adv.
Mr. Prastut Dalvi, Adv.
Ms. Ronita Bhattacharya, Adv.

Mr. C.U. Singh, Sr. Adv.
Mr. Jawahar Raja, Adv.
Mr. Pukhrambam Ramesh Kumar, AOR
Ms. Anupama Ngangom, Adv.
Mr. Karun Sharma, Adv.
Mr. Archit Krishan, Adv.

Mr. Rakesh Shukla, Adv.
Ms. Sumita Hazarika, AOR

O R D E R

Hon'ble Mr. Justice Ashok Bhushan pronounced the order of the Bench comprising His Lordship, Hon'ble Mr. Justice Sanjay Kishan Kaul and Hon'ble Mr. Justice M.R. Shah.

We thus direct following interim measures which can be availed by all the private establishment, industries, factories and workers Trade Unions/ Employees Associations etc. which may be facilitated

by the State Authorities: -

- i) The private establishment, industries, employers who are willing to enter into negotiation and settlement with the workers/employees regarding payment of wages for 50 days or for any other period as applicable in any particular State during which their industrial establishment was closed down due to lockdown, may initiate a process of negotiation with their employees organization and enter into a settlement with them and if they are unable to settle by themselves submit a request to concerned labour authorities who are entrusted with the obligation under the different statute to conciliate the dispute between the parties who on receiving such request, may call the concerned Employees Trade Union/workers Association/ workers to appear on a date for negotiation, conciliation and settlement. In event a settlement is arrived at, that may be acted upon by the employers and workers irrespective of the order dated 29.03.2020 issued by the Government of India, Ministry of Home Affairs.
- ii) Those employers' establishments, industries, factories which were working during the lockdown period although not to their capacity can also take steps as indicated in direction No.(i).
- iii) The private establishments, industries, factories shall permit the workers/employees to work in their establishment who are willing to work which may be without prejudice to

rights of the workers/employees regarding unpaid wages of above 50 days. The private establishments, factories who proceed to take steps as per directions (i) and (ii) shall publicise and communicate about their such steps to workers and employees for their response/participation. The settlement, if any, as indicated above shall be without prejudice to the rights of employers and employees which is pending adjudication in these writ petitions.

- iv) The Central Government, all the States/UTs through their Ministry of Labour shall circulate and publicise this order for the benefit of all private establishment, employers, factories and workers/employees.

In event, any settlement is entered between the employers and employees in the establishments which are before us, an affidavit giving details shall be filed by next date of hearing.

List in last week of July, 2020.

(ARJUN BISHT)
COURT MASTER (SH)

(signed reportable order is placed on the file)

(RENU KAPOOR)
BRANCH OFFICER

* appearance of counsel for UOI is incorporated

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