

Salman Ahmad And Ors vs Govt Of Nct Of Delhi Labour Department ... on 1 April, 2025

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of

+ W.P.(C) 3620/2025, CM APPL. 16906/2025 & 16907/2025

SALMAN AHMAD AND ORS

Through: Ms. Meghna De, Ms.
and Mr. Ritwik Raj

versus

GOVT OF NCT OF DELHI LABOUR DEPARTMENT AND ANR

.....Respondent

Through: Mr. Manish Batra, Advocate for R-

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU
TARA VITASTA GANJU, J.: (Oral)

1. The grievance of the Petitioners [15 in number] as articulated in the prayers in the present Petition reads as follows:

"a. Issue an appropriate writ, order or direction, thereby directing the Respondents no. 1 and 2 to comply with the notice bearing ALC-III OL/8/(41)/2024 issued by the Conciliation Officer dated 21.02.2024 regarding not changing service condition during the pendency of the dispute in violation of Section 33 of the Industrial Disputes Act; and/or b. Issue an appropriate writ, order or direction, thereby directing the Respondent No. 1 and 2 to maintain status quo in the service conditions of the Petitioners and not to terminate their services during the pendency of the industrial dispute and not to create third party rights in the posts on which the petitioners working."

2. Learned Counsel appearing on behalf of the Petitioners submits that the prayers in the present Petition are confined to a direction to the Respondents to continue with the services of the Petitioners, who have been working as Data Entry Operator/ Multi Tasking Staff with the Respondent No.1, till the adjudication of the Industrial Dispute as raised by the Petitioners before the Conciliation Officer/Deputy Labour Commissioner.

3. Learned Counsel appearing on behalf of the Petitioners submits that the Petitioners apprehend that the Respondent No.1 may terminate their services despite the fact that a dispute is pending adjudication. He further states that during the period that proceedings are pending, under Section 33 of the Industrial Disputes Act, 1947 [hereinafter referred to as "the Act"], the service condition(s) of the workmen cannot be disturbed.

4. Learned Counsel appearing on behalf of the Respondent No.1 submits that there is no relation of employee and employer between the Petitioners and Respondent No.1. However, this is the subject matter of the Industrial Dispute which has been raised before the Conciliation Officer/Deputy Labour Commissioner.

4.1 Learned Counsel for Respondent No.1 submits that as of now there is no proposal to terminate these workmen.

5. It is not in dispute that the Petitioners had already approached the Conciliation Officer/Deputy Labour Commissioner for the adjudication of dispute and the same was referred to the Presiding Officer, Industrial Tribunal-1, Rouse Avenue Court Complex, New Delhi, by the order dated 21.02.2024.

6. Section 33(1)(a) of the Act specifically provides that no employer shall alter the conditions of service applicable to the workmen to the prejudice of the workmen during the pendency of proceedings before the Conciliation Officer or a Board or any proceeding before an Arbitrator or a Labour Court or Tribunal immediately before the commencement of such proceeding.

7. A bare reading of Section 33 makes it clear that if a matter is pending before the Industrial Tribunal, the conditions of the service of the workman who is part of such proceedings, shall remain unchanged during the pendency of such industrial dispute.

8. In these circumstances, no order is required to be passed in the present Petition. However, it is made clear that the services of the Petitioners shall not be disturbed and status quo in regard to their employment shall be maintained during the pendency of the dispute before the Presiding Officer, Industrial Tribunal-1, Rouse Avenue Court Complex, New Delhi, in compliance with Section 33 of the Act.

9. The Petition is accordingly disposed of. Pending Applications shall stand closed.

10. The Parties shall act based on a digitally signed copy of the order.

TARA VITASTA GANJU, J APRIL 1, 2025/pa Click here to check corrigendum, if any