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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 2203/2019 & C.M.APPLN. 10326/2019 & 10327/2019

VISHANT KUMAR KHOLIYA AND ORS. Petitioners

Through Mr. Rajiv Agarwal with Ms. Meghna
De and Mr. Sachin Kumar, Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION
ANR ANR. Respondents

Through Mr. Ajay Digpaul with Mr. Soumava
Karmakar and Mr. Prashant Singh,
Advs.

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
ORDER
% **06.03.2019**

Vide the present petition, the petitioners seek direction thereby setting aside the order dated 04.02.2019 passed by the Presiding Officer, Industrial Tribunal in ID No. 58/2016 and to hear the dispute day to day as per the directions of this court in W.P.(C) No. 3920/2017.

Further, seeks direction directing the respondents to continue with the services of the petitioners against the posts of Assistant Malaria Inspector and Assistant Public Health Inspector /Public Vaccinator till the final disposal of the pending Industrial Dispute before the Learned Tribunal.

Learned counsel appearing on behalf of the petitioner submits that petitioners have apprehensions that the respondent No.1 may terminate their service despite the fact that their dispute is pending before the tribunal as

mentioned above. He further states that till the proceedings are pending as per Section 33 of the Industrial Disputes Act, 1947 service condition of the workmen cannot be disturbed.

Mr. Digpaul, learned standing counsel appearing on behalf of respondent No.1 submits that case of the petitioner is pending for adjudication and coming up for hearing on 07.03.2019, therefore, there is no requirement of passing any order in the present petition.

On perusal of contents of the petition, it seems that the petitioners are apprehending that the respondents may terminate their services without complying Section 33 of the Industrial Disputes Act, 1947.

It is not in dispute that the petitioners had already approached Industrial Tribunal vide ID No. 58/16 and the same is pending, therefore, 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 during the pendency of the dispute before the learned Tribunal without compliance Section 33 of the Act mentioned above.

The petition is, accordingly, disposed of.

Pending applications are also disposed of.

Order dasti under the signatures of the Court Master.

SURESH KUMAR KAIT, J

MARCH 06, 2019

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