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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1946/2021 & CM 5673/2021 (for ex-parte interim relief)

CHETAN SINGH YADAV & ORS.

..... Petitioners

Through: Ms. Meghna De with Ms. L.
Gangmei, Advocates.

versus

DELHI STATE INDUSTRIAL AND INFRASTRUCTURE
DEVELOPMENT CORPORATION (DSIIDC) & ORS.. Respondents

Through: Mr. R.K. Dhawan, Advocate for
respondent No.1.

Mr. Sandeep Kumar, Advocate for
respondent No.2.

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Date of Decision: 26th July, 2022

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. Present petition has been filed seeking following prayers:-

“a) Issue an appropriate writ, order or direction , thereby directing the Respondent No. 1 and 2 to maintain status quo in the service condition of the Petitioners and not to terminate their services during the pendency of the industrial dispute; and



b) Issue an appropriate writ, order or direction , thereby directing the Respondent No. 3 to refer the industrial dispute for adjudication to the industrial adjudicator and decide the complaint under section 33 a in an expeditious manner;

2. Learned counsel for the petitioners submits that after filing of this petition, a reference under Section 10 of Industrial Disputes Act, 1947 was made and now the matter is pending before the Industrial Tribunal bearing ID No.33/2021. Learned counsel for the petitioners further submits that their prayer is only confined to the extent that during the pendency of the proceedings before the Industrial Tribunal, their service conditions should remain unchanged.

3. However, the contention of learned counsel for respondent No.1 that there is no relation of employer-employee between them, is the subject matter to be adjudicated before the Industrial Tribunal.

4. Learned counsel for the respondents has submitted that in any case, the respondents are bound by law.

5. Section 33 of the Industrial Disputes Act, 1947 specifically provides that if the matter is pending before the Conciliation Officer or a Board or of any proceeding before an Arbitrator or a Labour Court or Tribunal, no employer shall in regard to any matter connected with the dispute, alter, to the prejudice of the workmen concerned, the conditions of service applicable to them immediately before the commencement of such proceeding.

6. 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



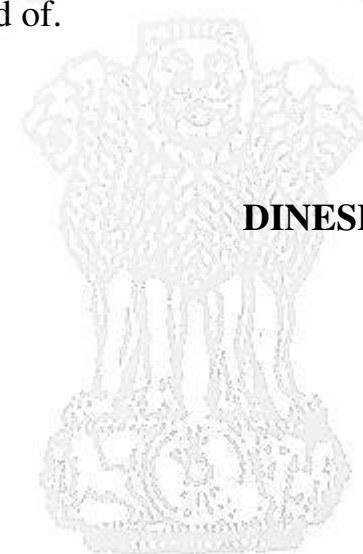
involved in such proceedings shall remain unchanged.

7. Since the matter is pending before the Industrial Tribunal, the conditions of service of the petitioner workman shall remain unchanged and status-quo shall be maintained. However, no expression made herein shall tantamount to be an expression on the merits of the case. Parties are at liberty to raise their contentions before the Industrial Tribunal.

8. With these observations, the present writ petition along with pending application stands disposed of.

DINESH KUMAR SHARMA, J

JULY 26, 2022
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