



2024:DHC:6197



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Order: 16.08.2024***+ **W.P.(C) 8746/2024 & CM APPL. 35653/2024****PANKAJ KUMAR AND ORS**

.....Petitioners

Through: Mr. Rajiv Agarwal, Adv. with Ms. Surbhi Bagra, Ms. Meghna De, Mr. L. Gangmei and Ms. Surbhi Bagra, Advocate .

versus

**MUNICIPAL CORPORATION OF DELHI
AND ANR**

.....Respondents

Through: Ms Divya Swamy, Standing Counsel
for MCD (through VC)

CORAM:**HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (ORAL)**

1. Issue Notice.
- 1.1 Learned Counsel for the Respondent No.1 accepts notice.
2. With the consent of parties, the matter is taken up for hearing and final disposal.
3. The present Petition has been filed by the Petitioners who are 9 workmen working with the Respondent No.1/MCD.
4. Learned Counsel for the Petitioners submits that the Petitioners have approached this Court in view of the fact that they have been informed that the Respondent No.1/MCD is in the process of reverting them back to the post of Safai Karamchari as a Counter measure for their raising an industrial dispute for regularisation of their services on the post of Assistant Sanitary



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Inspector on which they have been working on 'Look After Charge basis' since 2018.

4.1 It is further submitted that the Petitioners apprehend that the Respondent No. 1/MCD may terminate their services despite the fact that an industrial 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 as "the Act"], the service condition(s) of the workmen cannot be disturbed.

5. Learned Counsel for the Respondent No.1/MCD submits that it is not in dispute that the Petitioners had already approached the Conciliation Officer/Deputy Labour Commissioner for the adjudication of dispute and by a notice dated 11.06.2024 the same was referred to the Office of Regional Commissioner (Central) 10 Shamnath Marg, Delhi-110075.

6. Learned Counsel for Respondent No.1/MCD further submits that due to shortage of supervisory staff, the Petitioners were asked to take charge on 'Look After Charge Basis' in 2018 but were not appointed as Assistant Sanitary Inspectors in 2018.

6.1 Learned Counsel however, submits that, at present, there is no threat of termination to the Petitioners from Respondent No.1/MCD. Learned Counsel for the Respondent No.1/MCD is bound down to the statement made by her.

6.2 Learned Counsel for the Respondents however submits that Respondent No.1/MCD is in the process of conducting its Departmental Promotion Committee (DPC) and that this should not be interdicted.

7. Section 33(1)(a) of the Act specifically provides that no employer shall alter the conditions of service applicable to the workmen to the



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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 proceedings.

8. In these circumstances, it is directed 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 pending before the Office of Regional Commissioner (Central) 10 Shamanth Marg, Delhi-110075, in compliance with Section 33 of the Act.

9. It is, however, made clear that there is no bar on the Respondent No.1/MCD to carry out the DPC, provided that the same is conducted in accordance with law.

10. The Petition and all pending Applications are disposed of in the foregoing.

TARA VITASTA GANJU, J

AUGUST 16, 2024/SA

Click here to check corrigendum, if any