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

+ **W.P.(C) 13182/2023 & CM APPL. 52137/2023**

MANOJ KUMAR AND ORS

..... Petitioners

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

versus

GOVT OF NCT OF DELHI AND ORS

..... Respondents

Through: Ms. Rachita Garg, Advocate for R-1
& R-2.

Mr. Vikas Kumar Sharma, Senior
Panel Counsel with Mr. Rajat
Choudhary, Advocates for R-3.
(Through VC)

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

03.04.2024

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1. The instant petition under Article 226 of the Constitution of India has been filed on behalf of the petitioner seeking the following reliefs:

“a. Issue an appropriate writ, order or direction, thereby declaring the OM. dated 11.10.2020 and consequent advertisement dated 31.07.2023 as arbitrary, discriminatory, and illegal; and

*b. Issue a writ of certiorari mandamus quashing and modifying the OM dated 11.10.2020 to the extent that it is contrary to the decisions of this Hon'ble Court in **Sonia Gandhi & Ors vs Govt. of NCT of Delhi & Ors** in W.P. (C) 6798/2002 dated 06.11.2013 and **UPSC vs Dr. Akshay Bahadur & Ors** W.P. (C) 6260/2013 dated 28.10.2013. Or in the alternative,*

c. Issue an appropriate writ, order or direction, thereby directing the Respondents no. 1 & 2 to keep posts against



which the Petitioners have been working as vacant till the pendency of the industrial dispute; and

d. Issue an appropriate writ, order or direction, thereby directing the Respondent no. 1 & 2 to maintain status quo in the service conditions of the petitioners and not to terminate their services by replacing them with other workers ; and

e. Issue an appropriate writ, order or direction, thereby directing the Respondent no 1 to comply with the direction/ notice dated 31.08.2023 passed by Union of India through the Assistant Labour Commissioner (Central), Ministry of Labour and Employment; and

f. Issue an appropriate writ, order or direction, thereby directing the Respondent No. 1 & 2 not to change the service conditions of the workmen during the pendency of the industrial dispute without following the procedure under section 33 of the Industrial Disputes Act or until the matter is referred to an industrial adjudicator and the Petitioners are in a position to seek judicial redress from the same, and

g. Pass any such other or further order as this Hon'ble Court may deem fit and appropriate in the facts and circumstances of the case in favour of the Petitioners.”

2. After some length of arguments, learned counsel for the petitioner without pressing the instant writ petition on merits submitted that the reference has already been made by the Ministry of Labour vide its order dated 5th March, 2024. The copy of the same has been placed on record.

3. In view of the reference having been made, the learned counsel appearing on behalf of the petitioner made an innocuous prayer to file a detailed representation/application under Section 33 read with 151 Code of Civil Procedure along with copy of the instant petition before the concerned Tribunal within a period of two weeks from today. She further prayed that till the decision of the interim application, the *status quo* order may be given as the petitioners are still working with the respondent institution and also



submitted that in view of the above submissions the instant petitioner may be disposed of.

4. Learned counsel appearing on behalf of the respondents No.1 and 2 and the respondent No.3 though oppose the present writ petition, however, do not oppose the prayer made by the learned counsel for the petitioner.

5. Heard learned counsel for the parties and perused the record.

6. Upon perusal of the record, contentions made in the petition as well as the innocuous prayer made on behalf of the petitioner and no objection from the respondents, this Court is inclined to allow the innocuous prayer made on behalf of the petitioner.

7. The petitioner is, thus, directed to file a detailed application along with the copy of the instant petition as well as the certified copy of this order before concerned Tribunal within two weeks.

8. After receiving the detailed application, the Tribunal is directed to dispose of the interim application filed by the petitioner without giving any unnecessary adjournments to either of the parties. The Tribunal is also directed to pass a detailed and reasoned order in accordance with law.

9. The parties are directed to maintain the *status quo* till the disposal of the application before the tribunal.

10. With the aforesaid directions, the instant petition is disposed of along with pending applications, if any.

CHANDRA DHARI SINGH, J

APRIL 3, 2024

rk/sv/av

[Click here to check corrigendum, if any](#)