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

+ **W.P.(C) 10239/2024**

JAI PRAKASH MARMIT AND ORS.

.....Petitioners

Through: Mr. Rajiv Agarwal, Ms. Meghna De,
Ms. L. Gangmei and Ms. Surbhi
Bagra, Advocates.

versus

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

.....Respondents

Through: Mr. R.K. Dhawan, Standing Counsel
with Ms. Nisha Dhawan, Mr. V.K.
Teng and Ms. Shivani Taneja,
Advocates for R-1.
Mr. Shivrath Kumar and Ms.
Farzana, Advocates with Ms. Deepti
Gupta, Manager (Legal).

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

20.08.2024

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1. The present Petition has been filed praying for directions to the Respondent Nos. 1 and 2 to maintain *status quo* in the service condition of the Petitioners [9 in number] and not to terminate their services during the pendency of the Industrial Dispute.

2. Learned Counsel for the Petitioners submits that the Petitioners have raised an Industrial Dispute and filed their Statement of Claim on 02.05.2024 before the Respondent No. 3. In pursuance thereof, a Notice



dated 09.05.2024 has been issued by the Conciliation Officer.

3. This Court by its order dated 26.07.2024 had directed that no coercive steps be taken in respect of the services of the Petitioners till the next date of hearing.

4. Learned Counsel for the Petitioners submits that the Respondent No. 1/DSI IDC is in the process of terminating their services and that the Petitioners apprehend that this is a counter-measure for raising an Industrial Dispute for regularisation of their services.

4.1 It is further submitted that the Petitioners apprehend that the Respondent No. 1/DSI IDC 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/DSI IDC 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 09.05.2024 the same was referred to the Office of Assistant Labour Commissioner, Government of NCT of Delhi, Employment Exchange Building, Pusa Road, Delhi.

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 proceedings.



7. 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 industrial dispute.

8. The Petition along with all pending Applications stand disposed of in the aforesaid terms.

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

TARA VITASTA GANJU, J

AUGUST 20, 2024/pa

Click here to check corrigendum, if any