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

+ **W.P.(C) 958/2025**

VED PAL RAWAL & ORS.

.....Petitioners

Through: Mr. Biswambar Nayak, Advocate

versus

DAMCO INDIA PVT. LTD. & ANR.

.....Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

27.01.2025

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[Physical Hearing/Hybrid Hearing (as per request)]

W.P.(C) 958/2025 & CM APPL. 4738/2025 (stay)

1. The petitioners seek to restrain the respondents (*the principal employer and the contractor*) from terminating their services during pendency of dispute pending before the Industrial Tribunal. Petitioners placed reliance on Section 33 of the Industrial Disputes Act in this regard. Learned counsel for petitioners has taken me through the documents Annexure A (*colly*), which are alleged to be printouts of notices served on the petitioners through mobile phone of one of them. The said letters are undated but according to learned counsel for petitioners, replies dated 08.01.2025 Annexure B (*colly*) were sent. There is nothing to show the mode through which the alleged replies were sent.

2. Learned counsel for petitioners seeks interim relief, referring to earlier orders of this Court, copies whereof have been annexed with the petition.



3. It appears that Annexure A (*colly*) are the notices, informing the petitioners that the principal employer intends to close down its operation. The closure would obviously follow the procedure laid down under Section 25O of the Act. Learned counsel for petitioners is not able to show any legislative or judicial pronouncement to the effect that the employer can be restrained from closing down its establishment. Further, from the said notices, it appears that salary to the petitioners is being paid by the contractor. Learned counsel for petitioners affirms this. Therefore, I am not convinced to grant ex-parte relief.

4. At this stage, learned counsel for petitioners on instructions seeks permission to withdraw this petition with liberty to file appropriate application before the Industrial Tribunal where the dispute is stated to be pending.

5. Accordingly, the petition and the accompanying application are dismissed as withdrawn.

6. As requested, copy of this order be given dasti to counsel for petitioners under signatures of Court Master.

GIRISH KATHPALIA, J

JANUARY 27, 2025/as

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