



\$~53

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4057/2025, CM APPL. 18897/2025**
SH JANARDAN PRASAD AND ORSPetitioners
Through: **Ms. Surbhi, Advocate**

versus

DELHI STATE CANCER
INSTITUTE AND ORSRespondents
Through: **Mr. Abhay Kumar, Mr. Shagun Ruhil**
and Mr. Karan Chopra, Advocates for
respondent no.3.
Ms. Avnish Ahlawat, SC, GNCTD
with Ms. Laavanya Kaushik, Ms.
Aliza Alam and Mr. Amitoj Chadha,
Advocates.
Mr. Shivnath Kumar, Advocate for
respondent no.2

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
18.07.2025

%

1. By way of the present writ petitions filed under Article 226 of the Constitution, the petitioners seek directions to the respondents to comply with the notice dated 28.03.2025, passed by the Conciliation Officer whereby the respondent was advised to adhere to the provisions of Section 33 of the Industrial Disputes Act, 1947 (hereinafter, '*the Act*') and to maintain *status quo* regarding the service condition during the pendency of the claim.
2. The present petition arises in the context of an industrial dispute raised by the petitioners/workmen, who claim that they are rendering services as Security Guards, to the respondent No.1 and their engagement on



paper has been routed through intermediaries/contractors such as respondent No.2 and 3. It is submitted that this arrangement between the respondents is sham and bogus, and it is in this background that the petitioners/workmen approached the Conciliation Officer seeking regularization of their service from their initial dates of joining as well as payment of the difference of salary on the principle of ‘*equal pay for equal work*’. In the said petitions, respondent No. 3 has also been accused of making unlawful demands from the petitioner, i.e. asking for Rs. 20,000/- initially and Rs. 2000/- per month for continuation of their services. It is further submitted that the petitioners apprehend their termination of services on account of the aforesaid disclosure and for raising an industrial dispute, seeking regularisation of services. Reliance is placed on the notice dated 28.03.2025 issued by the Conciliation Officer to submit that the termination of their service during the pendency of the industrial dispute would violate Section 33 of the Act.

3. Indisputably, the dispute between the parties is currently pending before the Conciliation Officer. It is now a settled position in law that a workman’s service conditions cannot be altered during the pendency of a conciliation proceeding before the Conciliation Officer. A gainful reference is made to the decision of the Supreme Court in Shripal & Anr. v. Nagar Nigam, Ghaziabad, reported as **(2025) SCC OnLine SC 221**, wherein, while taking note of Section 6E of the U.P. Industrial Disputes Act, 1947, which is *pari materia* to Section 33 of the Act, it was held that unilateral alteration in service conditions, including termination, is impermissible during the pendency of industrial dispute unless prior approval is obtained from the appropriate authority.

4. Considering the above facts and the aforesaid legal position, the



interim *status quo* granted vide order dated 01.04.2025 is made absolute and the petition, along with pending application, is disposed of with the direction that the parties shall maintain *status quo* during the pendency of the proceedings before the Conciliation Officer. Needless to state that the Conciliation Officer may pass the order as it may deem fit in accordance with law.

5. It is made clear that the aforesaid shall remain subject to the outcome of the proceedings before the Labour Commissioner or Labour Court, if so referred.

MANOJ KUMAR OHRI, J

JULY 18, 2025/rd