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

+ W.P.(C) 4444/2025, CM APPL. 20520/2025

SH ANUJ MANN AND ORS.

.....Petitioners

Through: Mr. Rajiv Agarwal and Ms. Surbhi
Bagra, Advocates.

versus

GOVT OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. N.K. Singh, Ms. Laavanya
Kaushik, Advocates for respondent
No.1.

Mr. Devansh Gupta, Advocate for
respondent No.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

22.05.2025

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1. By way of present writ petition filed under Article 226 of the Constitution, the petitioners seek directions to the respondents to comply with the notice dated 03.04.2025 passed by GNCTD through the Labour Department (Central District) in its letter and spirit and maintain *status quo* in the service conditions of the petitioners during the pendency of the industrial dispute by following the procedure under Section 33 of the Industrial Disputes Act ('the Act') and not to terminate their services by replacing them with other set of outsourced workers.

2. The petitioners claim that they are engaged with the respondent No.1 as Data Entry Operators through respondent No.2. It is claimed that they were engaged through a recruitment process conducted by Respondent No. 1, however they are aggrieved that they are treated as outsourced workers on



contract entered between the respondent Nos.1 and 2. The petitioners have already filed their claims before the Office of Deputy Labour Commissioner (District Central) wherein conciliation proceedings are pending. In the said conciliation proceedings, vide notice dated 03.04.2025, the respondents have been advised to adhere to the provisions of Section 33 of the Act so as not to alter their service conditions.

3. This Court may take note of the decision in Shripal & Anr. v. Nagar Nigam, Ghaziabad, reported as **(2025) SCCOnLine SC 221**, wherein the Apex Court while taking note of Section 6E of the U.P. Industrial Disputes Act, 1947, which is *pari materia* to Section 33 of the Industrial Disputes Act, 1947, held that unilateral alteration in service conditions, including termination, is impermissible during the pendency of such proceedings unless prior approval is obtained from the appropriate authority.

4. Indisputably, the proceedings are pending before the Conciliation Officer. 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. This shall remain subject to the outcome of the proceedings before the Labour Commissioner or Labour Court, if so referred.

MANOJ KUMAR OHRI, J

MAY 22, 2025/rd