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

+ W.P.(C) 5416/2025 and CM APPL. 24686/2025

SONU AND ORS

.....Petitioners

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

versus

DIRECTOR, CENTRAL GOVERNMENT HEALTH SCHEME
UNION OF INDIA AND ORS

.....Respondents

Through: Mr.Naginder Benipal, SPC with
Mr.Navein Chaudhary, Mr.Jaskaran Singh and
Mr.Udit, Advocates for respondent No.1
Mr.Rakesh Tikku, Sr. Advocate with Mr.Ashish,
Advocate for respondent No.2
Mr.Sudeep Sudan, Advocate for respondent No.3

+ W.P.(C) 5417/2025 and CM APPL. 24688/2025

SAGAR AND ORS

.....Petitioners

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

versus

DIRECTOR CENTRAL GOVERNMENT HEALTH SCHEME
UNION OF INDIA AND ORS

.....Respondents

Through: Mr.Gaurav Sharma, Mr.Siddharth
Nagpal, Mr.Vipin Tokas and Mr.Raman Dutt,
Advocates
Mr.Rakesh Tikku, Sr. Advocate with Mr.Ashish,
Advocate for respondent No.2
Mr.Sudeep Sudan, Advocate for respondent No.3

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI



ORDER

28.05.2025

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1. By way of present writ petitions filed under Article 226 of the Constitution, the petitioners seek directions to the respondents to comply with the notices bearing Nos. ALC-111 OL/8 (67)/2025 dated 20.03.2025 & ALC-111/OL/8(59)/2025 dated 11.03.2025, respectively passed by the Assistant Labour Commissioner (Central District) whereby the respondents were advised to adhere to the provisions of Section 33 of the Industrial Disputes Act, 1947 (hereinafter, '*the Act*') and to maintain the *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 *Safai Karamchari*, Housekeeping Staff and Security Guards for the respondent No.1. It is further claimed that though the workmen have worked in the establishment of respondent No.1, their engagement on paper has been routed through intermediaries such as respondent Nos.2 and 3. It is submitted that this arrangement between the respondents is bogus and claim petitions have been filed before the Conciliation officer, challenging the validity of the contract between the respondents and seeking regularisation of the services of petitioners/workmen. In the said petitions, respondents No.2 and 3 have also been accused of withholding the petitioners' ATM cards and passbooks, using them to withdraw the statutory minimum wages after transferring them into the accounts of petitioners/workmen, creating a false appearance of labour law compliance, while actually paying less than the minimum wage.



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 a 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.

5. Considering the above facts and the aforesaid legal position, the petitions along with pending applications, are disposed of alongwith the pending applications 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.

6. 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

MAY 28, 2025

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