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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 9807/2025, CM APPL. 40997/2025, CM APPL. 40996/2025**

**SATISH KUMAR AND ORS**

.....Petitioners

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

versus

**SANJAY GANDHI MEMORIAL HOSPITAL &  
ANR.**

.....Respondents

Through: Mr. Manoj Jadly, Advocate for Mr.  
Rishikant Singh and Mr. Manoj Jadly,  
Advocates for DUSIB.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**ORDER**

**14.07.2025**

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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 notices bearing F. No. ID/49/CO/CD/2025/02-03 dated 01.04.2025, 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. Briefly stated, it is the case of the petitioners/workmen that they have been rendering services as Technician, Assistant, Technical Assistant Group-III, Lab Assistant, Lab Technician and Dark room Assistant (Paramedical Staff) for the respondent since the year 2008. It is claimed that the works performed by the petitioners are perennial and have engaged in



services continuously for a period of more than a decade. The respondent has wrongly denied them regularization and has shown them to be engaged as contractual employees. 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 in salary on the principle of '*equal pay for equal work*'.

3. Learned Counsel for the petitioners submits that the petitioners apprehended termination of their services on the pretext that the respondent No. 1 is in the process of conducting a fresh selection process, leading to fresh appointments. Reliance is placed on the notice dated 01.04.2025 issued by the Conciliation Officer to submit that the termination of their service during the pendency of the industrial dispute would be in violation of Section 33 of the Act.

4. 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.



5. Considering the above facts and the aforesaid legal position, the petition alongwith the 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.

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**

**JULY 14, 2025**

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