



2025:DHC:4499



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of Decision: 08.05.2025***+ **W.P.(C) 17369/2022**

NARENDER SONAR KHANE & ORS.

.....Petitioners

Through: Mr. Anuj Aggarwal, Advocate

versus

CENTRAL PUBLIC WORKS DEPARTMENT

.....Respondent

Through: Ms. Bharathi Raju, SPC

CORAM:**HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. This Court had on 02.05.2025 after examining the matter had passed the following directions:

"1. The grievance of the Petitioners as articulated in the present Petition is with respect to an order dated 05.08.2022 [hereinafter referred to as "Impugned Order"] passed by the learned Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court-II, New Delhi dismissing an Application filed under Section 33 of the Industrial Disputes Act, 1947. By the Impugned Order, the learned Tribunal has held that there has been no change in the service conditions in view of the fact that the Petitioners have abandoned their job.

2. Learned Counsel for the Petitioners submits that the Petitioners were employees, drivers/computer operators employed with the Respondent for several years.

3. Learned Counsel for the Respondent submits that the industrial dispute in respect of the regularisation of the Petitioners and other several similarly placed workmen is already pending adjudication before the learned Labour Court. She further submits that there is no employer-employee relationship between the parties and no termination letter was



ever issued and that, in essence, the Petitioners left their job of their own accord. Reliance is placed on the letter dated 18.02.2020 issued by the contractor who was employed by the Respondent which gives these details.

3.1 In any event, it is contended that the challenge at this interim stage is not maintainable as per the settled law.

4. Learned Counsel for the Petitioners requests for some time to take instructions.”

2. Learned Counsel appearing on behalf of the Petitioners has returned with instructions and reiterates his contention that there is a violation of Section 33 of the Industrial Disputes Act, 1947.

3. Learned Counsel appearing on behalf of the Respondent relies upon document filed as Annexure P-9 annexed along with the Petition to submit that in addition to the Petitioners being employees of a contractor, there was a complaint received about their negligence pursuant to which the Petitioners had left their jobs of their own accord.

3.1 Learned Counsel for the Respondent further submits that firstly the employees were not the employees of the Respondent but of the Contractor given the document on record. Secondly, there is an industrial dispute already pending before the learned Labour Court being ID No. 174/2018.

3.2 Learned Counsel further submits that concededly the Impugned Order is an Interim Order. The Supreme Court in the case of **Dena Bank v. D.V. Kundadia**¹; has held that no writ petition should be entertained against an interim order of the learned Labour Court or the Industrial Tribunal. It is only when a final award is given, that the parties may challenge the same.

¹(2011) 15 SCC 690



3.3 The Division Bench of this Court in the case of ***Indian Bank & Anr. v. Shri Praveen Kumar***² held that the challenge to an interim order can only be made after a final order is passed in the matter. Consequently, the Court refused to interfere at the juncture when the matter before the Labour Court was not final.

4. Learned Counsel appearing on behalf of the parties submit that the evidence of parties is also over and the matter is at the stage of final arguments before the learned Labour Court.

5. A perusal of the Impugned Order dated 05.08.2022 reflects that the learned Labour Court has given a finding that the Petitioners were unable to prove or show any evidence regarding the fact that services of the Petitioners were terminated by the Respondent. On the other hand, the Respondent/management have placed document on record to show that the Petitioners left the employment on their own accord.

6. Concededly and in any event, since this is a challenge only to an interim order passed by the learned Labour Court, the interim order will lose its significance once the final award is passed. It is trite law that interim orders are always subject to the final decision of the case.

7. Accordingly, and given the pendency of the dispute before the learned Labour Court, this Court does not deem it apposite to entertain the present Petition at this stage.

8. The Petition is, accordingly, dismissed. All pending Applications stand closed. The Petitioners are, however, at liberty to agitate their

²LPA 637/2022 - order dated 14.11.2022



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contentions before the learned Labour Court.

9. Needless to add that if the Petitioners are aggrieved by the final decision of the learned Labour Court, the Petitioners shall be at liberty to challenge the same, *albeit* in accordance with law.

10. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MAY 8, 2025

g.joshi/pa

Click here to check corrigendum, if any