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

+ W.P.(C) 11316/2025, CM APPL. 46453/2025 (Ex-parte Interim Relief)
RAHUL KUMAR & ORS.Petitioners

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

versus

DIRECTOR, CENTRAL GOVERNMENT HEALTH SCHEME &
ANR.Respondents

Through: Ms. Neha Rastogi, SPC for UOI with
Ms. Archana Kumari, GP.
Mr. Rakesh Tikku, Senior Advocate
with Mr. Sandeep Kumar and Mr.
Ashish, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **31.07.2025**

1. This hearing has been done through hybrid mode.

CM APPL. 46454/2025 (Exemption)

2. Allowed, subject to all just exceptions. The application is disposed of.

W.P.(C) 11316/2025

3. The present petition under Article 226 of the Constitution of India seeks
the following prayers: -

“a. Issue an appropriate writ, order or direction, thereby directing the Respondents no.1 and 2 to comply with the notice bearing No. ALC-I/8(56-Online)/2025 dated 28.05.2025 issued by the Conciliation Officer issued by the Conciliation Officer regarding not changing service condition during the pendency of the dispute in violation of Section 33 of the Industrial Disputes Act; and/or

b. Issue an appropriate writ, order or direction, thereby directing the Respondent No. 1 and 2 to maintain status quo in the service condition of the Petitioners and not to terminate their services during the pendency of the industrial dispute and not to create third party rights in the posts on which the petitioners working.



c. Pass any such other or further order as this Hon'ble Court may deem fit and appropriate in the facts and circumstances of the case in favour of the Petitioner”

4. *Vide* the present petition, petitioners are seeking directions to the respondents for complying with the notice issued by the Conciliation Officer for not changing the service condition during the pendency of the dispute in violation of Section 33 of the Industrial Dispute Act, 1947, (for short, ‘ID Act’). The petitioners are rendering their services as ‘*Safai Karamchari/Housekeeping Staff*’ for respondent No.1, who has engaged them on contractual basis through respondent No.2 (initially through other intermediaries/contractors and they have changed over the years). They have raised an industrial dispute for their regularisation in service along with equal pay for equal work from their initial date of joining before the Conciliation Officer. The said dispute, was also raised on the ground of unfair labour practice, sham and bogus arrangement between the managements/respondents and the unlawful retaining of the passbooks and ATM cards of the petitioners/workmen by respondent no.2/management. The said Industrial Dispute is pending before the Conciliation Officer and during the pendency of the same, petitioners had filed an application under Section 33A of the ID Act seeking directions to the respondents regarding apprehended termination of their services and for maintenance of *status quo* of their service conditions. Pursuant thereto, Deputy Chief Labour Commissioner issued notice dated 28.05.2025 to the respondents thereby drawing attention of the respondents to Section 33 of the ID Act. Thus, apprehending the termination of their services the present petition has been filed by the petitioners seeking the aforesaid prayers.



5. Learned counsel for the petitioners points out that a Coordinate Bench of this Court, *vide* common order dated 28.05.2025 passed in **W.P.(C)s 5416/2025 & 5417/2025**, titled as **“Sonu & Ors. v. Director, Central Government Health Scheme Union of India & Ors.”** and **“Sagar & Ors. v. Director, Central Government Health Scheme Union of India & Ors.”**, while disposing of the petitions filed by similarly situated Petitioners seeking similar reliefs, had observed and held as under: -

“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.”

6. Learned Senior Counsel for respondent no.2 submits that latter’s service with respondent no. 1 has been terminated with effect from 31.07.2025.

7. Admittedly, the industrial dispute between the parties in the present case is currently pending before the Conciliation Officer.

8. Considering the above facts and circumstances of the present case, and the aforesaid legal position, the present petition is disposed of with the direction that the respondent no.1 shall maintain *status quo* during the pendency of the proceedings before the Conciliation Officer.

9. Needless to state that the Conciliation Officer may pass the order as he may deem fit in accordance with law.



10. It is made clear that the aforesaid direction is subject to the outcome of the proceedings before the Labour Commissioner or Labour Court, if the industrial dispute is so referred.

11. Pending applications, if any, also stand disposed of accordingly.

AMIT SHARMA, J

JULY 31, 2025/sn/ns