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

+ W.P.(C) 17249/2024, CM APPL. 73422/2024

PREM SHANKAR SINGH AND ORSPetitioners

Through: Mr. Sanjoy Ghose, Senior Advocate
with Ms. Surbhi Bagra, Ms. Meghna
De, Ms. L. Gangmei and Mr. Ritwik
Raj, Advocate.

versus

**DELHI URBAN SHELTER
IMPROVEMENT BOARD**

....Respondent

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

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03.07.2025

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 F. No. ID/389/CO/CD/2024/7765 dated 13.11.2024, 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 Junior Engineers (Electrical) for the respondent since the year 2016. It is claimed that though the works performed by the petitioners are perennial and permanent in nature, continuously for a period of more than 8 years, the respondent has wrongly denied them regularization



and other employment benefits and have 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 difference of salary on the principle of '*equal pay for equal work*'.

3. Learned Senior Counsel for the petitioners submits that some of the petitioners in the present matter had approached this Court by way of W.P(C) No.1159/2024, seeking job security and other benefits, however, the said petition was withdrawn by them vide order dated 25.11.2024. It is further submitted that the petitioners apprehend that the respondent, on the pretext of not extending their contracts, is in the process of terminating the petitioners' services. Reliance is placed on the notice dated 13.11.2024 issued by the Conciliation Officer to submit that 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 interim *status quo* granted vide order dated 20.12.2024 is made absolute and the petition alongwith 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 3, 2025/*rd*