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

+ W.P.(C) 554/2026, CM APPL. 2735/2026

SHIV LAL & ORS.

.....Petitioners

Through: Mr. Biswambar Nayak, Advocate.
versus

CENTRAL PUBLIC WORKS DEPARTMENT(CPWD) & ANR.

.....Respondents

Through: Ms. Avsherya Pratap Singh Rudy,
CGSC alongwith Ms. Usha Jamwal,
Ms. Nyasa Sharma and Mr. Ankit
Khatri, Advocates.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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15.01.2026

1. By way of present writ petition filed under Article 226 of the Constitution, the petitioners seek directions to the respondent no.1/ Central Public Works Department(CPWD) and the respondent no.2/ Sh. Shahzad Khan, herein to maintain *status quo* qua the employment of the petitioners /workmen herein, till the final disposal of their industrial dispute for regularization of their services & other demands, by the Labour Department (Central) and C.G.I.T., Delhi and to adhere to the provisions of Section 33 of the Industrial Disputes Act, 1947, scrupulously.

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 Mali (Gardener) for the respondent No.1/CPWD at its parks in Delhi. 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 intermediary/ respondent no.2. 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. It has been alleged that the petitioners/ workmen who are getting their wages from respondent no.1/ CPWD through the respondent no.2/ contractor, receive minimum wages without any overtime wages or other entitlements as per law. It is further averred that, even after receiving the salaries, the respondent no.2/ contractor forcefully takes back a substantial part of the salaries of the petitioners/ workmen by extending threats to terminate their services.

3. Indisputably, the dispute between the parties is currently pending before the Conciliation Officer. The legal position is settled that a workman's service conditions cannot be altered during the pendency of conciliation proceeding before a Conciliation Officer. Reference in this regard may be made to a recent decision of the Supreme Court in **Shripal & Anr. v. Nagar Nigam, Ghaziabad (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 Industrial Disputes Act, 1947, 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.

4. Considering the circumstances, this petition (along with pending applications), 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 appropriate



order/s in accordance with law. The same shall be subject to the outcome of the proceedings before the Labour Commissioner or Labour Court, if so referred.

SACHIN DATTA, J

JANUARY 15, 2026/at