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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 9820/2025, CM APPL. 41039/2025&CM APPL. 41040/2025
RAHUL DAS AND ORSPetitioners

Through: Mr. Sanjoy Ghosh, Sr. Adv., Mr.
Kamlesh Kumar Mishra, Ms. Renu,
Ms. Chandara Debnath, Mr. Swagata
Gupta, Ms. Samisthi Solemon, Advs.

versus

UNION OF INDIA AND ORSRespondents
Through: Mr. GD Sharma, SPGC along with
Mr. Deepak Tanwar, GP, for R-1,2
and 3.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
25.07.2025

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1. This hearing has been done through hybrid mode.
2. *Vide* order dated 14.07.2025, the Predecessor Bench of this Court issued a notice to the respondents by observing as under: -

“1. The petitioners, working as contractual/outsourced personnel in various technical and facility management roles under the National Informatics Centre (NIC)/respondent No.5, filed present petitions seeking directions to the respondents to regularise and absorb them into permanent employment with pay scales, service benefits, and employment rights equal to those of similarly placed regular employees.

2. Learned Senior Counsel for the petitioners, on instructions, fairly submits that the relief sought in the present petition is being restricted only to the extent of seeking directions to the respondents for consideration of the representation dated 12.06.2025 made by the petitioners to the Chief Labour Commissioner, Ministry of Labour and Employment, New Delhi in pursuance to the, order dated 19.05.2025 passed by the Supreme Court in W.P.(C) Diary



No. 26685/2025.”

3. On 21.07.2025, nobody had appeared on behalf of the respondent no. 3, therefore, notice to respondent no. 3 was issued through all permissible modes including *dasti*.

4. Service report with respect to the respondent no. 3 shows that the same has been served.

5. There is no appearance on behalf of the respondent no. 3.

6. Learned Senior Counsel appearing on behalf of the petitioners placed on record an order dated 27.09.2023 of the learned Division Bench of this Hon’ble Court in LPA 666/2023 titled as, “Municipal Corporation of Delhi v. Mohit Kumar and Others” relied on para 5 thereof which reads as under:-

“5. We have considered the submissions advanced by the counsel. It is important to contextualize the learned Single Judge's decision. When the Appellant's counsel informed the Court about the premature nature of the Petition as there was no imminent threat of termination and highlighted the ongoing proceedings under Section 33A of the Act before the Labour Commissioner, it became clear to the Respondent that withdrawing the Petition was the judicious move. **Moreover, Section 33 of the Act unequivocally mandates that while an industrial dispute is being deliberated upon by the relevant authority, any alteration to service conditions by the employer is explicitly barred. Thus, as determination of substantive issue was underway before the Labour Commissioner, Single Judge's decision to pass restraining directions has to be seen as not only adherence to the statute, but in line with principles of natural justice, fairness, and equity.** It is not uncommon for Courts to avoid taking actions that might pre-empt or interfere with concurrent processes, especially when those processes are mandated by statute. Given this backdrop, the learned Single Judge's directive was not only consistent with the Act but also well-reasoned. Furthermore, it



was a temporary measure, only lasting the duration of the pending proceedings. As regards Appellant's contention about the Respondents' status of 'workman' under the Act, we are of the view that this issue is better suited for adjudication by the Labour Commissioner. We are not inclined to delve into this matter within the purview of present appeal."

(emphasis supplied)

7. He further relies to an order dated 01.07.2025 passed by a Coordinate Bench of this Court in W.P.(C) 8756/2025 titled as "Chancchal and Ors. v. All India Council for Technical Education AICTE and Anr." observing as under:-

"4. Indisputably, the dispute between the parties is currently pending. It is now a settled position in law that a workman's service conditions cannot be altered during the pendency of any proceeding before a Labour Court or Tribunal in respect of an industrial dispute. 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."

8. List on 02.12.2025.

9. In the meantime, the status quo with respect to the petitioners' service conditions shall be maintained till the next date of hearing.

10. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

JULY 25, 2025/kr/sp