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

+ W.P.(C) 19281/2025 & CM APPL. 80484/2025 (Direction)

HARIOM SHARMA & ORS.

.....Petitioners

Through: Mr. Biswambar Nayak, Advocate.
versus

EMPLOYEES STATE INSURANCE
CORPORATION & ANR.

.....Respondents

Through: Mr. Shlok Chandra, SC for ESIC with
Mr. Parikshit Singh Bhati, Advocate.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

19.12.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Articles 226 and 227 of the Constitution of India, 1950, seeks the following prayers:

“a) Issue a writ in the nature of mandamus or certiorari or any other writ as appropriate directing the respondent no. 1 /Employees State Insurance Corporation & the respondent no. 2 /M/s. Well Protect Manpower Services Pvt. Ltd., herein to maintain status quo qua the services 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.

b) Pass any other & lor further order(s) / instructions, in favour of the petitioners herein, as this Hon'ble Court may deem fit & proper, in the interests of justice.”

3. The petitioners herein are 32 workmen as House Keepers/Sweepers with respondent No.1/ESIC since last many years. It is case of the petitioners



that the House Keepers/Sweepers recruited by respondent No.1 who are doing same work are getting higher salaries and facilities and the petitioners are just being paid minimum wages and a statement of claim has been filed by them in this regard which is pending before the Conciliation Officer, Labour Department, Central, Dwarka.

4. Learned counsel for the petitioners submits that the latter are apprehending termination of their services as respondent No.1/ESIC is planning to remove them without any notice and even without complying with the provisions of Section 33 of the Industrial Disputes Act, 1947. Reliance has been placed on notice dated 01.12.2025 issued by the Conciliation Officer to submit that the termination of services of the petitioners during the pendency of the industrial dispute would be in violation of Section 33 of the Act.

5. Reliance has been placed on an order dated 11.07.2025 passed by a Coordinate Bench of this Court in W.P.(C) 9563/2025 wherein, it was observed as under: -

“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.”

6. Admittedly, the industrial dispute between the parties in the present case is currently pending before the Conciliation Officer and he has issued a



notice dated 01.12.2025 drawing attention of respondent Nos.1 & 2 towards Section 33 of the Industrial Disputes Act, 1947.

7. 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 in terms of Section 33 of the Industrial Disputes Act, 1947.

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

9. It is made clear that all the rights and contentions of the parties are left open.

10. The present petition is disposed of in the aforesaid terms.

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

AMIT SHARMA, J

DECEMBER 19, 2025/sn/ns