



2025:DHC:4855



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

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Date of Decision: 29.05.2025

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W.P.(C) 7054/2024

NITISH YADAV AND ORS

.....Petitioners

Through: Ms. Meghna De, Adv.

versus

DELHI STATE INDUSTRIAL AND INFRASTRUCTURE
DEVELOPEMENT CORPORATION AND ANRRespondentsThrough: Ms. Anusuya Salwan, Adv. for
DSI IDC.Mr. Ankur Chhibber and Mr.
Anshuman Mehrotra, Adv. for
Review Petitioners.**CORAM:****HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)****CM Appl.34730/2025***[Exemption from filing certified copies]*

1. Allowed, subject to just exceptions.
2. The Application stands disposed of.

REVIEW PETITION 337/2025

3. The present Review Petition has been filed on behalf of the Review Applicants seeking review of the order dated 08.07.2024 [hereinafter referred to as "Order in Review"] passed by this Court. The Order in Review had directed that status quo be maintained with regard to the services of the Petitioners in terms of Section 33(1)(a) of the Industrial Disputes Act, 1947 [hereinafter referred to as "Act"].

4. At the outset, learned Counsel for the Petitioners raises an issue of maintainability to the present Petition. She seeks to rely upon the order dated



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02.04.2025 passed by this Court in CONT. CAS(C) 1149/2024 and other connected matters to submit that an Application being CM Appl. 9531/2025 seeking clarification has already been filed.

4.1 Learned Counsel for the Review Petitioners submits that no Application has been filed by the Review Petitioners seeking any clarification, thus the clarification is requisite to the Order in Review.

5. Learned Counsel for the Review Petitioners, after some arguments, submits that the grievance of the Review Petitioners would stand satisfied if a clarification is issued by this Court that there is no stay on appointment of any other third parties including the Review Petitioners.

6. Issue Notice. Learned Counsel for the Petitioners and Respondents accept Notice and submits that in view of the orders that this Court proposes to pass today, no Reply is requisite.

7. Given the limited nature of the prayer, this Court deems it apposite to take up the Review Petition for hearing and disposal today.

8. The Order in Review does not pass any direction qua any third parties and no such directions were prayed for by the Petitioners either. It is apposite to extract paragraph 6, 7 and 8 of the Order in Review in this behalf which is set out below:

“6. Section 33(1)(a) of the Act specifically provides that no employer shall alter the conditions of service applicable to the workmen to the prejudice of the workmen during the pendency of proceedings before the Conciliation Officer or a Board or any proceeding before an Arbitrator or a Labour Court or Tribunal immediately before the commencement of such proceeding.

7. A bare reading of Section 33 makes it clear that if a matter is pending before the Industrial Tribunal, the conditions of the service of the workman who is part of such proceedings, shall remain unchanged during the pendency of such industrial dispute.



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8. In these circumstances, no order is required to be passed in the present Petition. However, it is made clear that the services of the Petitioners shall not be disturbed and status quo in regard to their employment shall be maintained during the pendency of the dispute before the Presiding Officer, Industrial Tribunal-1, Rouse Court Avenue Court Complex, New Delhi, in compliance with Section 33 of the Act.”

9. Concededly, the Order in Review only directs that the services of the Petitioners shall not be disturbed and the *status quo* in regard to their employment shall be maintained during the pendency of the industrial dispute.

9.1 A plain reading of the Order in Review shows that there are no directions issued to the Respondents *qua* any other parties other than the Petitioners.

10. The Review Petition is disposed of in the foregoing terms.

11. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MAY 29, 2025/r/pa

Click here to check corrigendum, if any