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

\+ **W.P.(C) 1946/2021 & CM APPL. No.5673/2021**

CHETAN SINGH YADAV & ORS. .....Petitioners

Through: Mr. Rajiv Agarwal with Ms. Meghna De and Ms. L. Gangmei, Advs.

versus

DELHI STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION (DSIIDC) & ORS.

.....Respondents

Through: Mr. R.K. Dhawan, Adv. for R-1.
Mr. Yeshu Jain with Ms. Jyoti Tyagi, Advs. for R-3.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

O R D E R

% 15.02.2021

[Court hearing convened via video-conferencing on account of COVID-19]

1. The petitioners claim that they have been working as Junior Engineers in the establishment of respondent no.1, *albeit*, as contractual employees; the contractor being respondent no.2.

2. It is the petitioners' claim that the contract entered into between respondent nos. 1 and 2 is a sham agreement, cobbled up, to deny the petitioners, their legitimate rights.

3. It appears that the dispute with regard to the same is pending with the Conciliation Officer.

4. According to Mr. Rajiv Agarwal, who appears for the petitioners, respondent no. 3 is dragging its feet, on making a reference, with regard to the aforesaid dispute at hand.

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5. Mr. Agarwal also says that since the service conditions were changed, a complaint has been lodged under Section 33A of the Industrial Disputes Act, 1947 [in short "I.D. Act"].

6. Insofar as the instant petition is concerned, according to Mr. Agarwal, the petitioners have approached the Court, as it is apprehended, that the petitioners' services may be terminated even while their complaints under Section 33A of the I.D. Act are pending.

6.1 Mr. Agarwal says that the services of the petitioners cannot be terminated without adhering to the provisions of Section 33 of the I.D. Act.

7. Issue notice to the respondents.

7.1 Mr. R.K. Dhawan accepts service on behalf of respondent no.1, while Mr. Yeshu Jain accepts service on behalf of respondent no.3.

7.2 On steps being taken, notice shall issue to respondent no.2 via all permissible means including e-mail.

8. Counter affidavit(s) will be filed within 10 days from today. Rejoinder(s) thereto, will if any, be filed before the next date of hearing.

9. In the meanwhile, no precipitate steps will be taken against the petitioners.

10. List the matter on 08.03.2021.

RAJIV SHAKDHER, J

FEBRUARY 15, 2021/pmc

Click here to check corrigendum, if any

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