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

+ W.P.(C) 349/2018

C N CHOUDHARY & ORS

..... Petitioners

Through: Mr. Javed Ahmad, Advocate.

versus

DELHI AGRICULTURAL MARKETING BOARD & ORS

..... Respondents

Through: Ms. Aliza Alam, Advocate for Mrs.
Avnish Ahlawat, Standing Counsel
for R-1.

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+ W.P.(C) 942/2019

ANIL KUMAR

..... Petitioner

Through: Mr. Javed Ahmad, Advocate.

versus

DELHI AGRICULTURAL MARKETING BOARD AND ANR.

..... Respondents

Through: Ms. Aliza Alam, Advocate for Mrs.
Avnish Ahlawat, Standing Counsel
for R-1.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

09.02.2024

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(The proceeding has been conducted through Hybrid Mode)

1. Learned counsel appearing for the petitioners submits that in the present case, the petitioners were employed on daily wages in the year 1987 and they were kept on ad-hoc basis, subsequently for a



period of six months w.e.f., October, 2001.

2. It is the case of the petitioners that the petitioners were regularized as Sub-Inspector/ Fee Collector along with two Junior Engineers, namely, Mr. G.U.Islam and Mr. Gulshan Lal, who were regularized with immediate effect from 01.03.2006.

3. It is also the case of the petitioners that in the year 2013, the respondent by a resolution in the minutes of a meeting dated 13.06.2013, had regularized/ modified the regularization of services of Mr. G.U. Islam and Mr. Gulshan Lal, Junior Engineer (C) w.e.f., the date of regular vacancy with APMC, Azadpur, that is, w.e.f., 02.01.1987.

4. Learned counsel for the petitioners draws attention of this Court to the Annexure PR-2 annexed with the rejoinder, which is the order dated 29.08.2016 of the respondents, whereby another person, who are another similarly situated employees, the Board had regularized the services w.e.f., his ad-hoc appointment on 15.05.1999.

5. Learned counsel submits that once in a case of a similar employee that too, a junior, the respondent could have regularized with retrospective effect from the date of that employee's ad-hoc appointment, there is no reason why the petitioners cannot be given the same treatment.

6. Ms. Aliza Alam, learned counsel appearing for the respondent No.1 seeks a short accommodation to take instructions and, if required, file a short affidavit explaining the order dated 29.08.2016 placed as Annexure PR-2 with the rejoinder.

7. The affidavit to be filed shall also give a better clarification and



explain the contents of para No.5 of the affidavit filed on 07.01.2022 by respondents.

8. The affidavit be filed within one week.
9. List the matter again on 25.04.2024.

TUSHAR RAO GEDELA, J

FEBRUARY 9, 2024/nd