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

CNR No. DLHC010114162026

+ **W.P.(C) 3739/2026 & CM APPL. 50577/2026**

DELHI TRANSPORT CORPORATION

.....Petitioner

Through: Mrs. Avnish Ahlawat, SC-DTC with
Ms. Tania Ahlawat, Mr. Nitesh Singh,
Ms. Aliza Alam, Mr. Mohnish
Sehrawat, Advocates
(M:9313964463)

versus

SHRI VIPIN DAGAR

.....Respondent

Through: Mr. Jawahar Raja, Ms. Meghna De,
Mr. Ishaan Goel, Mr. Siddharth
Sapra, Advocates (M:9540617186)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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04.08.2026

CM APPL. 50577/2026 (For Stay)

1. The present application has been filed on behalf of the petitioner seeking stay of the recovery proceedings under Section 33-C (1) of the Industrial Disputes Act, 1947, pending before the office of the Deputy Labour Commissioner, District-Central, Delhi ("Deputy Labour Commissioner") pursuant to the Show Cause Notice dated 20th July, 2026.
2. Learned counsel for the petitioner submits that in the present proceedings the petitioner has challenged the Award dated 27th November, 2025, passed in *I.D. 70/2018*, by Presiding Officer Industrial Tribunal-I, Rouse Avenue District Courts, New Delhi.



3. It is submitted that the impugned Award is *per se* perverse in as much as it confers retrospective regularization and full-service benefits to the respondent.
4. It is further submitted that the respondent herein was never considered under the scheme of compassionate appointment at the relevant time, and was appointed on the post of Conductor as a contractual employee.
5. He submits that by way of the impugned Award the respondent has been held to be a regular employee with the retrospective effect from the date of his initial appointment, i.e., 22nd November, 2010, in regular pay scale with all consequential benefits.
6. Learned counsel for the petitioner submits that that the implementation of such an Award would not only be contrary to law but would also result in serious and irreparable loss to the public Exchequer as numerous appointments have been made against contractual post.
7. Learned counsel for the petitioner further submits that despite the pendency of the present writ petition and the stay application before this Court, the Delhi Labour Union has continued to pursue coercive proceedings before the Deputy Labour Commissioner under Section 33 C(1) of the Industrial Disputes Act, 1947, against the petitioner.
8. At this stage, this Court notes the contentions of the learned counsel for the petitioner in the main petition also.
9. It is to be noted that by way of the present petition, the petitioner has essentially challenged the impugned Award dated 27th November, 2025, wherein, the respondent has been granted the benefit of regular pay scale from the initial date of his appointment.
10. This Court notes the submission made by learned counsel for the



petitioner that the Tribunal has no jurisdiction to grant regularization on compassionate ground without first ascertaining and deciding whether respondent had any legal right to be appointed on compassionate ground with the petitioner, i.e., Delhi Transport Corporation (“DTC”), and whether he fulfilled the criteria of appointment on compassionate ground.

11. Learned counsel for the petitioner further submits that the Tribunal did not even consider the fact whether there were any vacancies within the 5% quota available with DTC for appointment on compassionate ground.

12. It is submitted that appointment on compassionate ground is not a legal right of an individual. Further, an order granting regularization to an employee who was appointed on contract/daily wage basis is *per se* contrary to the law laid down by the Supreme Court.

13. The Tribunal has erroneously held that the respondent is entitled for appointment on compassionate ground as a regular Conductor instead of being a contractual employee, with retrospective effect, from the date of his initial appointment.

14. It is submitted that the respondent’s father Late Sh. Govinder Singh was employed in DTC as conductor in the year 1985. He expired on 17th August, 2009. It is submitted that at that point of time, no compassionate appointment was granted to the respondent.

15. However, the DTC *vide* the letter dated 14th January, 2010, invited applications for engaging conductors on short-term contract basis. The dependents of the various deceased employees were also given information to apply, in case they were interested as per terms mentioned in the said letter, for engagement as a Conductor on short-term contract basis.

16. It is submitted that it is on this basis, the respondent applied for his



appointment, and he was appointed as Conductor on contract/daily wage basis as per the terms and conditions mentioned in the letter dated 14th January, 2010, issued by the DTC.

17. It is submitted that agreement was signed between the petitioner and the respondent which clearly stipulated the terms and conditions of the appointment of the respondent as purely on contractual basis.

18. It is submitted that all regular appointments in DTC on the post of Drivers, Conductors and other staff, are made through Delhi Subordinate Services Selection Board (“DSSSB”). Further, short-term contractual appointments are also made as per requirements, and the individuals so appointed are paid minimum wages along with incentives in terms of the Circular dated 30th December, 2011, issued by the Finance Department, Government of NCT of Delhi (“GNCTD”).

19. It is further submitted that the Tribunal failed to appreciate that during the cross-examination, the respondent admitted that his appointment with DTC was contractual, and that he had executed the agreement with DTC. The respondent admitted the said agreement and Affidavit dated 19th November, 2010 between the parties. He also admitted accepting the said contractual employment.

20. It is submitted that the Tribunal failed to appreciate that the Supreme Court has time and again held that appointment on compassionate ground is not a source of recruitment but a means to enable the family of the deceased to get over the sudden financial crisis. Further, only limited seats are available for appointment on compassionate basis.

21. It is submitted that the finding of the Tribunal is *per se* perverse as it cannot compare the case of a duly appointed person on compassionate



ground with that of the respondent, who was considered when the short-term contractual posts were filled up, and was appointed to the post of Conductor on short term contract basis.

22. Learned counsel appearing for the petitioner submits that the respondent was never considered for appointment on compassionate ground, as no regular vacancies were available. The government had given approval to DTC to engage conductors on contract/daily wage basis as per requirement. Thus, even though the respondent's name was not sponsored by the Employment Exchange, but the petitioner offered the deceased employee's kith and kin the appointment on short term contract/daily wage, which was duly accepted by the respondent. Thus, it is submitted that there was no occasion for the Tribunal to hold the appointment of the respondent as on compassionate basis.

23. The matter requires consideration.

24. Accordingly, issue notice in the pending applications, as well as the writ petition.

25. Notice is accepted by learned counsel for the respondent.

26. Learned counsel for the respondent vehemently opposes the submissions made by learned counsel for the petitioner, and submits that the respondent was offered compassionate appointment and he has been working on compassionate basis. He submits that once compassionate appointment has been offered, the appointment had to be on regular basis and not on contractual basis. He, thus, submits that having taken the respondent on compassionate basis, the petitioner cannot now resile from the said position.

27. Accordingly, let reply be filed by the respondent to the pending



applications, as well as the present writ petition, within a period of four weeks.

28. Rejoinder thereto, if any, be filed within a period of two weeks, thereafter.

29. Considering the submissions made before this Court, it is directed that subject to deposit of 25% of the awarded amount, the execution and operation of the impugned Award dated 27th November, 2025, passed in *I.D. 70/2018*, by Presiding Officer, Industrial Tribunal-I, Rouse Avenue District Courts, shall remain stayed, till the next date of hearing.

30. Considering the submissions made by learned counsel for the respondent, the petitioner is directed to give litigation expenses to the tune of Rs. 25,000/- to the respondent.

31. Let the needful be done, within a period of four weeks.

32. List on 21st January, 2027, i.e., the date already fixed.

MINI PUSHKARNA, J

AUGUST 4, 2026/au