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

+ W.P.(C) 5303/2026 & CM APPL. 25986/2026

SATYAM SHARMA

.....Petitioner

Through: Mr. Puneet Saini and Mr. Armaan
Bhola, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Ms. Cauveri Birbal, Ms. Preksha
Gaur, Mr. Kamlendu Pandey, Ms.
Nishtha Dhull and Mr. Kushank,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

20.04.2026

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1. The Petitioner was appointed as a Mali in the Horticulture Department of the Respondent. He contends that, despite being engaged against a sanctioned and permanent post, he has been continued as a "Muster Roll Beldar on daily wages". His grievance is directed against office order dated 16th February, 2026, whereby his engagement has been extended for six months with artificial breaks of one or two days, allegedly to defeat his claim of continuity of service and to preclude him from asserting his legal rights.
2. It is further contended that the Petitioner is being compelled to furnish an affidavit relinquishing his legal rights as a condition for continuation in service. Aggrieved thereby, the present petition has been filed impugning the aforesaid order.
3. On a query from the Court, it is stated that the Petitioner has already



invoked remedies under the Industrial Disputes Act, 1947,¹ seeking regularisation, and such proceedings are presently pending before the competent authority at Pusa Road, Delhi.

4. Ms. Cauveri Birbal, counsel for the Respondent, raises an objection regarding the maintainability of the present proceedings on the ground that the Petitioner has an alternate efficacious remedy available under IDA. It is further submitted that in view of the pendency of proceedings initiated by the Petitioner under the said enactment, there is no justification for parallel recourse to writ jurisdiction.

5. In light of the foregoing, counsel for the Petitioner, after making some submissions, seeks leave to withdraw the present petition with liberty to urge all grounds raised herein before the appropriate forum in the proceedings already initiated under IDA.

6. Leave and liberty as prayed for, are granted.

7. The Petitioner shall be at liberty to raise all contentions, including those relating to alleged artificial breaks in service, coercion to waive legal rights, and non-payment or denial of lawful wages, before the competent forum.

8. The withdrawal of the present petition, also not amount to any expression of the Court's opinion on the merits of the case. All rights and contentions of the parties are left open.

9. The present petition is disposed of along with pending application.

SANJEEV NARULA, J

APRIL 20, 2026/as

¹ "IDA"