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

+ W.P.(C) 1335/2008

ALL INDIA SC/ST TELECOM EMPLOYEES WELFARE
ASSOCIATION & ANR.

.....Petitioners

Through: Mr. Sunil Kumar, Mr. Vipin,
Ms. Dimple Singh and Mr. Sagar Singh,
Advs.

versus

UOI & ORS.

.....Respondents

Through: Ms. Pratima N Lakra CGSC
with Mr Shailendra Kumar Mishra, Adv. for
R-2 and 3

Mr. Piyush Sharma and Mr. Anuj Kumar
Sharma, Advs. for BSNL

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE VINOD KUMAR

ORDER

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09.07.2026

1. The order dated 8 January 2026 required the petitioner to satisfy this Court regarding the maintainability of the writ petition.

2. Though the order states that the petitioner would satisfy this Court on the maintainability of the writ petition on behalf of an association, Ms. Lakra submits that the order was passed because the petitioner had earlier filed an SLP 1771/2008 in the Supreme Court, challenging the judgment of the Tribunal which is subject matter of the present writ petition and had unconditionally withdrawn the SLP.



3. We find that SLP was filed 10 years after the pronouncement of the judgment of the Supreme Court in ***L Chandra Kumar v. Union of India***¹.

4. Apparently, the Supreme Court was not the proper forum to have been approached in the matter in view of the judgment in ***L Chandra Kumar*** and it was only because of that reason that the SLP was allowed to be withdrawn.

5. If we are to accept Ms. Lakra's contention it would amount to permanently closing the right of the petitioner to challenge the order of the Tribunal which obviously even the Supreme Court could not have intended.

6. Accordingly, we hold that the present writ petition cannot be foreclosed on the ground that the SLP had been withdrawn.

7. The dispute relates to seniority.

8. Written submissions of the petitioner are on record.

9. Let the respondent positively place written submissions on record within four weeks from today.

10. List for disposal at the end of the Board on 29 September 2026.

11. Both sides are also directed to place on record duly indexed

¹ (1997) 3 SCC 261



compilation of any judicial authorities on which they may seek to place reliance.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

JULY 9, 2026/dsn