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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 12945/2022 & CM APPL. 39287/2022 -Int. relief.
SH. ANSHUL KUMAR TYAGI & ORS. Petitioner
Through: Ms.Kamlakshi Singh with
Ms.D.Saundarya Singh, Advs.

versus

GOVT OF NCT OF DELHI & ANR. Respondent
Through: Ms.Avnish Ahlawat, S.C. with
Mr.N.K.Singh, Adv for R-1.
Mr.Tushar Sannu, Adv for R-2.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

% **ORDER**
07.09.2022

CM APPL. 39288/2022

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 12945/2022 & CM APPL. 39287/2022 -Int. relief.

3. The petitioners, who are working in the respondent no.2 institute for the last many years have approached this Court seeking the following reliefs:-

a) quash and set-aside the impugned office memorandum/policy dated 11.10.2020 passed by respondent no.1 being against the true letter -and spirit of the directions issued by Division Bench of this Hon'ble Court in the case of "Sonia Gandhi vs Govt. of NCT of Delhi"

b) formulate a fresh policy following the true letter and spirit of directions issued by the division bench in the ease of "Sonia Gandhi Vs Govt. of NCT of Delhi, to regularize. the services of



the petitioners along with consequential benefits from the date of filing of the petition in view of constitution bench judgment of "Uma Devi" as the petitioners have continuous service of more than 10 years with the respondents and direct the respondents not to terminate the services of the petitioners till their services are regularized in view of above said judgments.

(c) without prejudice and in the alternative direct the respondents to continue with the services of the petitioners and provide job Security till the date of retirement keeping in view the long tenure and age of the petitioners.

4. Learned counsel for the petitioners submits that even though the petitioners have been working in the respondent no.2/institute since the last more than 10 years but still no steps are being taken to consider them for regularization and therefore, they have an apprehension that in order to scuttle their claim for regularization, they may be replaced by another set of contractual employees. She contends that once the petitioners have been satisfactorily working on their respective posts for the last many years, the respondents ought to take steps to consider them for regularisation.
5. Issue notice. Learned counsel for the respondent nos.1 and 2 accept notice.
6. While praying for time to file counter affidavit, Mr.Sannu, learned counsel for the respondent no.2 submits that the petitioners have approached this Court without even making any representation to the respondent no.2 raising their grievances and therefore contends that the petition being premature is not maintainable. He, further submits that for the present there is no proposal to replace the petitioners by any other contractual employees.



7. In my considered view, in the light of the statement made on behalf of the respondent no.2, even though no interim orders are called for at this stage, the respondents ought to file a counter affidavit explaining whether any steps are being taken for regularisation of the petitioners. Needless to state, it will be open for the respondents to take all objections in their counter affidavit, which would be filed within six weeks. Rejoinder thereto, if any, be filed within four weeks thereafter.
8. Furthermore till the next date, the respondents will stand restrained from replacing the petitioners by any other contractual employees.
9. List on 25.01.2023.

SEPTEMBER 7, 2022

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REKHA PALLI, J