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

+ CONT.CAS(C) 912/2025 and CM APPL.36464/2025

ANAND KUMAR GAUTAM

.....Petitioner

Through: Ms. Hethi Patel, Mr. Atul Kumar
Srivastava, Ms. Priya Nisha Minz and
Mr. Abhishek Singh, Advs.

versus

RAJESH KUMAR KAUSHAL

.....Respondent

Through: Mr. Shahank Dixit, CGSC, Mr. Kunal
Raj, Advs. and Mr. B.L. Meena, EE
(E), CPWD.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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30.04.2026

1. The present petition alleges wilful disobedience of the directions contained in the order dated 19.03.2024, passed in W.P.(C) 6799/2007. The operative directions contained therein are as under:

“24. The learned Labour Court has further correctly opined that though the respondents were engaged via contract managers, however, the respondents have been consistently working with the petitioner without any interruption despite there being a change in the contract manager. Hence, the contractor is only a label of a bottle which changed from time to time but the contents of the bottle always remain the same i.e. the respondent workmen.

25. Accordingly, the impugned award rightly holds that the respondent workmen are entitled to be regularized.

26. In view of the aforesaid submissions, the impugned award dated 21st February 2007 in ID No.74/2001 passed by the learned Central Government Industrial Tribunal-cum-Labour Court merits no interference and is thus upheld.”

2. It transpires during the course of hearing, that an LPA filed by the



respondents against the aforesaid judgment was dismissed by the Division Bench of this Court. Thereafter, an SLP is stated to have been filed by the respondents assailing the aforesaid order of the Division Bench. Admittedly, however, the said SLP has not even been taken up for hearing, much less has any interim order being passed therein.

3. In terms of judgment of the Supreme Court in ***State (UT of Ladakh) v. J&K National Conference***, (2024) 18 SCC 643, mere pendency of the SLP shall not come in the way of necessary compliance. The relevant observations in the said judgment is as under:

*35. We are seeing before us judgments and orders by High Courts not deciding cases on the ground that the leading judgment of this Court on this subject is either referred to a larger Bench or a review petition relating thereto is pending. We have also come across examples of High Courts refusing deference to judgments of this Court on the score that a later coordinate Bench has doubted its correctness. In this regard, we lay down the position in law. **We make it absolutely clear that the High Courts will proceed to decide matters on the basis of the law as it stands. It is not open, unless specifically directed by this Court, to await an outcome of a reference or a review petition, as the case may be.** It is also not open to a High Court to refuse to follow a judgment by stating that it has been doubted by a later coordinate Bench. In any case, when faced with conflicting judgments by Benches of equal strength of this Court, it is the earlier one which is to be followed by the High Courts, as held by a 5-Judge Bench in *National Insurance Co. Ltd. v. Pranay Sethi*. The High Courts, of course, will do so with careful regard to the facts and circumstances of the case before it.*

4. In the circumstances, the respondents are directed to comply with the directions contained in the aforesaid impugned order dated 19.03.2024 as expeditiously as possible, and in any event within a period of eight weeks from today.

5. List on 29.07.2026.

6. Let a compliance affidavit be filed before the next date of hearing.



7. In the event of non-compliance, the respondent no.2 shall remain present in person in Court on the next date of hearing.

APRIL 30, 2026/cl

SACHIN DATTA, J