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

+ W.P.(C) 14693/2021

DR ABID HUSSAIN & ORS.Petitioners

Through: Mr. Javed Ahmad, Ms. Aakriti
Aditya, Mr. Adnan Khan, Advs.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Ashish K. Dixit, CGSC
with Mr. Umar Hashmi, Adv.
for UOI

Mr. Gautam Naryana Sr. Adv.
along with Mr. Arun Sanwal &
Ms. Asmita Singh, Adv. for R2
& R3

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

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24.11.2025

1. This petition has been filed challenging the Order dated 27.07.2021 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. 1390/2021 titled, '*Dr. Abid Hussain v. Union of India through, Secretary, Ministry of Ayush & Ors.*', whereby, the learned Tribunal had rejected the prayer of the petitioners to be absorbed in the services of CSIR by holding as under:

"7. Obviously because there was a change in the system and establishment, the respondents wanted to hold the examination to ensure that the candidates to be engaged therein possess the requisite qualifications or other techniques. For that purpose, an examination was notified on 11.04.2020. The applicants, however, objected to that and in a way, sought



review of the order in the writ petition also. That did not fructify. The applicants refused to participate in the examination and thereby lost the chance of being selected.

8. At this stage, they cannot expect a better position than what they were in, when the OA was decided or the limited relief was granted therein.

10. In OA No.509/2015, this Tribunal made it clear that to be considered, the applicants shall be under obligation to comply with the conditions. Once they did not even choose to participate, let alone qualify, in the examination, they cannot expect any better result. When a contractual employee cannot be directed to be regularized straightway even when vacancies exist, the question of directing the respondents to create vacancies to enable the applicants to be continued or regularized does not arise.

11. We do not find any merit in the OA. It is accordingly dismissed. Pending MA shall also stand disposed of. There shall be no order as to costs.”

2. The learned counsel for the petitioners has drawn our attention to the Order dated 21.02.2024, wherein it has been observed as under:

“6. Having perused the orders passed on 16.10.2020 in W.P(C) 10093/2017 and in Review Petition No. 185/2020 on 05.02.2021, we are not at all impressed by this plea of the respondents. We are of the considered view that in the light of the order passed on 16.10.2020, the respondents continued to remain bound by the directions issued by the learned Tribunal on 05.05.2017. In fact, we are of the prima facie view that not only has the Tribunal erred in rejecting the petitioners’ claim for being re-engaged subject to their meeting eligibility conditions, but even otherwise the respondents are trying to overreach the orders passed by this Court and



are totally misconstruing the orders passed by this Court.”

3. The learned senior counsel for respondent nos. 2 & 3 submits that on the reconsideration of the case, he has instructions to defend the present petition. He submits that respondent nos. 2 & 3 have also filed an affidavit explaining their stand.

4. As both the Hon'ble Judges of the Bench who had heard the petition at length on 21.02.2024 have since retired, we have no option but to rehear the petition. We, however, make it clear that if we in the end find and reiterate observations of the respondent attempting to over reach the orders of this Court by totally misconstruing the same, we shall be constrained to take strict action against the concerned officers.

5. List on 6th January, 2026 in the category of '*After notice miscellaneous matters*'.

NAVIN CHAWLA, J

MADHU JAIN, J

NOVEMBER 24, 2025/ys/k/VS