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

CNR No. DLHC010410572025

+ **CONT.CAS(C) 965/2025 & CM APPL. 39545/2025, CM APPL. 18288/2026**

HARISH KUMAR

.....Petitioner

Through: Mr. Lalit Kumar, Advocate

versus

RAVI AGARWAL & ORS.

.....Respondents

Through: Mr. Aditya Singla, Advocate with
Ms. Shreya and Ms. Sakshi,
Advocates
Mob: 9818601006

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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30.07.2026

1. The present petition has been filed alleging wilful disobedience of the judgment dated 13th February, 2025, passed by the Division Bench of this Court in *W.P.(C) 10304/2018*, wherein, directions have been passed in the following manner:

“xxx xxx xxx

15. The position that emerges is that, while the petitioner had placed material, on record, indicating that he was the respondent's employee, the respondent, while asserting, *per contra*, that the petitioner was the employee of PMSSPL, could not place tangible material on record to substantiate the plea.



xxx xxx xxx”

2. By relying upon the aforesaid judgment, learned counsel appearing for the petitioner submits that the petitioner has been held to be an employee of the respondents, and not an employee of any third-party contractor.

3. He, thus, submits that since the petitioner has already been held to be an employee of the respondents, the petitioner was required to continue in his employment with the respondents.

4. Learned counsel appearing for the petitioner further submits that the petitioner’s representation dated 09th April, 2025, has wrongly been decided by the respondents, since the said representation made a specific prayer that the petitioner be allowed to continue as a Data Operator with the respondents.

5. *Per contra*, learned counsel appearing for the respondents draws the attention of this Court to paragraphs 17 and 18 of the judgment dated 13th February, 2025, passed by the Division Bench of this Court, which read as under:

“xxx xxx xxx

17. In that view of the matter, we cannot sustain the impugned judgment of the Tribunal, which is accordingly quashed and set aside.

18. The OA filed by the petitioner shall stand allowed in terms of the prayers made therein.

xxx xxx xxx”

6. By referring to the aforesaid judgment, learned counsel appearing for the respondents submits that the O.A. 3301/2016 filed by the petitioner has been allowed by the Central Administrative Tribunal (“CAT”) in terms of the prayers made therein.



7. He draws the attention of this Court to the prayers made in the O.A. 3301/2016, which read as under:

- (A) That the Hon'ble Tribunal may graciously be pleased to direct the Respondents to consider the representation of the Petitioners and grant them employment according to their qualifications for the post of *Compiler* or any other suitable post that the respondents consider fit under the facts and circumstances of the petitioners' case.
- (B) Any other relief that this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

8. By referring to the aforesaid, it is the case on behalf of the respondent that since the prayers as made in the O.A. 3301/2016 have been allowed, and in terms thereof the respondent therein has already considered the representation made by the petitioner.

9. Further, a Speaking Order dated 10th March, 2026, has been passed, wherein, it has been held that the appointment or absorption of the petitioner is not possible in the absence of any sanctioned post being available for the post of compiler or any other post, as he is not qualified for the same.

10. Considering the aforesaid submission, learned counsel appearing for the petitioner submits that he shall seek clarification from the Division Bench of this Court in this regard.

11. Accordingly, at request, re-notify on 27th January, 2027.

MINI PUSHKARNA, J

JULY 30, 2026

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