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

+ W.P.(C) 203/2008

UOI THR. SECRETARY MINISTRY
OF HEALTH & FAMILY WELFARE

.....Petitioner

Through: Mr. Jivesh Kumar Tiwari,
CGSC with Ms. Nandini Aggarwal and Ms.
Samiksha, Advs.

versus

CHAHAT RAM & ORS.

.....Respondents

Through: Mr. Ranbir Yadav, Advocate

+ W.P.(C) 1821/2008, CM APPL. 3508/2008 & CM APPL.
3510/2008

U.O.I & ORS

.....Petitioners

Through: Mr. Jivesh Kumar Tiwari,
CGSC with Ms. Nandini Aggarwal and Ms.
Samiksha, Advs.

versus

ASHOK KUMAR & ORS

.....Respondents

Through: Mr. Sudarshan Rajan, Mr.
Hitain Bajaj, Ms. Ria Setiya and Ms.
Kashish, Advs.

Mr. Ranbir Yadav, Advocate

+ W.P.(C) 9512/2009

DIRECTOR GENERAL ESIC
HEADQUARTER & ORS

.....Petitioners

Through: Ms. Prema Priyadarshini with
Mr. Priyansh Kanwar and Mr. Vikash
Kumar Roy, Advocate

versus



ANIL KUMAR KALRA & ORSRespondents
Through: Mr. Ranbir Yadav, Advocate
Mr. Sudarshan Rajan, Mr. Hitain Bajaj, Ms.
Ria Setiya and Ms. Kashish, Advs.

+ W.P.(C) 9296/2017 & CM APPL. 37993/2017

PUNEET AND ANR.Petitioners
Through: Mr. Sudarshan Rajan, Mr.
Hitain Bajaj, Ms. Ria Setiya and Ms.
Kashish, Advs.

versus

UNION OF INDIA AND ORS.Respondents
Through: Mr. A.K. Verma, Adv. for the
ESIC

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER
10.04.2026

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1. Mr. Sudarshan Rajan, learned counsel for the respondents, has drawn our attention to order dated 4 February 2026 – to which we have already alluded in an earlier order passed by us in earlier proceedings – passed in a batch of writ petitions, namely WP(C) 6414/2015¹, WP(C) 3781/2011², WP(C) 18/2015³, WP(C) 6423/2015⁴, WP(C) 8261/2016⁵, WP(C) 8264/2016⁶. The order passed on 4 February 2026 reads thus :

“1. Learned counsel representing the Petitioners are at ad idem

¹ The Director General (ESIC) & Ors. v. Rakesh Saini and Ors

² Director General ESI Head Quarter & Anr. v Anita Yadav & Ors

³ Director General ESI Corproation & Anr. v. Brham Pal & Ors

⁴ The Director General (ESIC) & Ors. v. Kirti Sharma & Ors

⁵ Director General (Employees State Insurance Corporation) & Ors. v. Munish Kumar & Ors.,

⁶ Director General (Employee State Insurance Corporation) & Ors. v. Dharambir Singh Ranga & Ors



that these writ petitions may be disposed of in terms of the order dated 02.02.2026, passed by this Court in W.P.(C) 3136/2006 and connected matters

2. Learned counsel representing the Petitioners submit that in compliance of the order passed by the learned Central Administrative Tribunal, the Respondents who were working as Laboratory Assistants have been granted revised pay scale of ₹4,000-6,000, with effect from 01.01.1996, as per recommendations of Vth Central Pay Commission and the Respondents have already demitted office after attaining the age of superannuation.

3. *They submit that while leaving the question of law open, the writ petitions may be disposed of as the Petitioners do not wish to make any recovery from the Respondents.*

4. Keeping in view the aforesaid position, the present writ petitions along with the pending applications are disposed of while leaving the question of law open.

5. A photocopy of the Order passed today be kept in the connected matters.”

(emphasis supplied)

2. Mr. Rajan has also handed over a chart of the petitioners in at least these writ petitions namely, WP(C) Nos.6414/2015, 3781/2011 and 6423/2015 in which the respondents are still working. As such, he submits that the petitioners having stated that they did not wish to make any recovery from the respondent in these writ petitions including those who were still working, his clients, being identically situated, cannot be accorded a different treatment. He, therefore, prays that these writ petition may be disposed of in terms of the order dated 4 February 2026 (supra).

3. Ms. Priyadarshini, learned counsel for the petitioner, submits that the intent of the statement made in para 3 of the order dated 4



February 2026 was to cover only persons who had superannuated.

4. We cannot accept this submission. The order has to be read as it stands. No application, apparently, was ever made for modification or clarification of the said order. If persons who are situated identically to the respondents in the petitions before us are beneficiaries of the statement made in para 3 of the order dated 4 February 2026, Articles 14 and 16 of the Constitution of India mandate that the respondents are also entitled to identical treatment.

5. At the request of Ms. Priyadarshini, renotify on 15 April 2026 in the Supplementary List.

6. A copy of this order be supplied to learned counsel for the parties under the signatures of the Court Master.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

APRIL 10, 2026/yg