Dr Himanshu Joshi and others Vs. UOI and others

CMP No. 1736 of 2026 in CWP No. 1258 of 2026

Reserved on: 16.1.2026

23.1.2026 **Present**: Mr Yogesh Kumar Chandel, Advocate, for the petitioner.

Mr Balram Sharma, DSGI, with Rajiv Sharma, Advocate, for the respondents, UOI.

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This Court directed the parties in CWP No. 3260 of 2016, titled Anjana Kumari Vs. Union of India and others, decided on 15.5.2024 to abide by the decision of the Hon'ble Supreme Court of India in SLP(C) No. 36359 of 2016. It was further ordered that the petitioners engaged by virtue of the orders passed by the Court shall continue to get protection of the orders till adjudication of the SLP by Hon'ble Supreme Court of India or till their superannuation whichever is earlier and the outcome of the SLP(C) No. 36359 of 2016 shall be biding upon the parties who have not been granted any interim protection by the Court.

2. Subsequently, the Government of India, Ministry of Defence, revised the remuneration of Medical Officers/Specialists and Officer in Charge of Poly Clinic on a contractual basis vide letter dated 24.11.2025 (Annexure

P-2). A letter was issued by Central Organization (ACHS) on 13.11.2025 (Annexure P-6), stating that where an order of *status quo* or the stay concerning the terms of appointment was issued by the Court, the benefit of the revised pay would not be granted, however, where no such order restraining the application of new/revised pay scale has been issued, the revised pay scales would be granted as per the order. A direction was also issued to conduct a detailed legal review of contract employees involving litigation.

3. The petitioners have filed the present petition asserting that the revised enhanced contract pay was paid to them w.e.f. 24.7.2025 till 31.10.2025, but it was withdrawn thereafter. Hence, a writ of certiorari has been sought for quashing and setting aside the letter dated 13.11.2025 (Annexure P-6) and letter dated 18.11.2025 (Annexure P-7) has been sought *inter alia*.

4. An application for an interim order has also been filed for staying the operation of the letter dated 18.11.2025 till the final decision of the writ petition.

5. Heard.

6. The letter dated 13.11.2025 (Annexure P-6) only clarifies the legal position that where a status quo or stay order concerning the terms of appointment has been

passed, the remuneration cannot be varied until such order is vacated or modified. It also clarifies that where no such order has been passed, the revised remuneration would be paid to all the employees. It is difficult to see how this letter could have resulted in the non-payment of the revised remuneration to the petitioners, when no status quo order or stay concerning their appointment has been passed.

7. Therefore, it is clarified that the petitioners will be paid enhanced remuneration in terms of the letter dated 24.7.2025 (Annexure P-2) till further orders.

8. Reply, on behalf of the non-applicants/ respondents, if any, be filed within three weeks, and the matter be listed along with the main matter.

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List the matter before the appropriate Bench after vacation.

(Rakesh Kainthla)
Vacation Judge

23rd January, 2026
(Chander)