



2025:DHC:866-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 17346/2024, CM APPLs. 73877/2024, 73878/2024 &
73879/2024

UNION OF INDIA AND ORSPetitioners
Through: Mr. Manish Kumar, Senior
Panel Counsel with Mr. Kumar Gaurav,
Adv.

versus

RAM SINGH YADAV AND ORSRespondents
Through: Mr. Rizwan, Ms. Sachi Chopra
and Ms. Nishtha Sinha, Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)
07.02.2025

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C. HARI SHANKAR, J.

1. This writ petition challenges a judgment dated 4 April 2024 passed by the Central Administrative Tribunal¹ in OA 47/2021².
2. The respondents, who were the applicants before the Tribunal, were working as nurses on contract basis in Dr. Ram Manohar Lohia Hospital³. They moved the Tribunal by way of OA 47/2021 seeking

¹ "the Tribunal" hereinafter

² **Ram Singh Yadav & Ors. v Secretary, Ministry of Health & Family Welfare (Nursing Section) & Ors.**

³ "RML Hospital" hereinafter



various monetary reliefs at par with regularly appointed staff nurses in RML Hospital.

3. The Tribunal has, by the impugned order, allowed the petitioner's claim to the extent of the basic pay and DA⁴, i.e., the minimum pay scale. Qua other entitlements, the entitlement of the petitioners has been deferred, dependent on the outcome of SLP (C) 46635/2019⁵, pending before the Supreme Court.

4. The Tribunal has passed the aforesaid order on the basis of an order passed by this Court on 15 July 2019 in WP (C) 12632/2018. That writ petition was with respect to a similar claim by contract nurses who were serving in hospitals under the RML Hospital from 2009. They, too, claimed parity of pay and allowances with regular nurses.

5. The Tribunal, by order dated 23 February 2017, in OA 2570/2014, allowed the claim of the said contract nurses. That decision was challenged before this Court by way of WP (C) 12632/2018.

6. This Court, following earlier precedents in the matter, dismissed the writ petition.

7. Against the said decision, the UOI went in SLP to the Supreme

⁴ Dearness Allowance



Court which passed the following order on the SLP on 31 January 2020.

“Delay condoned.

Issue notice returnable in four weeks.

We have been informed that the contractual staff nurses have been paid minimum of the scale which roughly amounts to Rs.50,000/- (Basic + D.A.). The dispute pertains to the other allowances. Stay of the operation of the other allowances in the meanwhile.”

8. In view of the above order, the Tribunal has regarded the issue of entitlement of the respondents to basic pay and DA at the minimum of the pay scale, at par with regular nurses, to be settled and has left the issue of the respondent’s entitlement to other allowances open for consideration after the decision is rendered by the Supreme Court in SLP (C) 46635/2019.

9. Mr. Manish Kumar, learned Counsel for UOI, candidly acknowledges that there is no qualitative difference between the present petitioners and the petitioners in WP (C) 12632/2018, but submits that the said petitioners are presently no longer in the service of the RML Hospital.

10. That hardly makes a difference. The fact is that the entitlement of the petitioners in the said writ petition to basic pay and DA, in any event, stands crystallized in view of the judgment of this Court and the order passed by the Supreme Court on 31 January 2020 in SLP (C)



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46635/2019.

11. Qua other allowances to which the petitioners claim, the matter has been left open to be considered after the decision of the Supreme Court in the said SLP.

12. Clearly, there is no reason for this Court to interfere with the impugned judgment of the Tribunal, which is accordingly affirmed.

13. The petition stands dismissed.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

FEBRUARY 7, 2025/AS

[Click here to check corrigendum, if any](#)