



2026:DHC:7656



\$~70 to 72

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

Date of decision: 08.09.2026

CNR No. DLHC010134662023

+ CONT.CAS(C) 466/2023, CM APPL. 31409/2023 (Dir.), CM APPL. 25154/2024 (For placing on record additional facts) & CM APPL. 26152/2024 (U/O 1 Rule 10)

RAJ KUMAR AND ANRPetitioners

Through: Mr. Jawahar Raja, Mr. Chirayu Jain, Mr. Rajiv Agarwal, Mr. Ishaan Goel and Mr. Nitai Hinduja, Advocates.

versus

GYANESH BHARTI, COMMISSIONER, MUNICIPAL CORPORATION OF DELHIRespondent

Through: Mr. Sunil Goel, Standing Counsel along with Ms. Dimple Agarwal and Mr. Akhilesh Bhama, Advocates for MCD.

71

CNR No. DLHC010134722023

+ CONT.CAS(C) 467/2023, CM APPL. 31674/2023 (Dir.), CM APPL. 24847/2024 (For placing on record additional facts) & CM APPL. 25950/2024 (U/O 1 Rule 10)

PRAMOD PANDEY AND ANRPetitioners

Through: Mr. Jawahar Raja, Mr. Chirayu Jain, Mr. Rajiv Agarwal, Mr. Ishaan Goel and Mr. Nitai Hinduja, Advocates.



2026:DHC:7656



versus

SH GYANESH BHARTI COMMISSIONER MUNICIPAL
CORPORATION OF DELHIRespondent

Through: Mr. Sunil Goel, Standing
Counsel along with Ms. Dimple
Agarwal and Mr. Akhilesh
Bhama, Advocates for MCD.

72

CNR No. DLHC010228612023

+ CONT.CAS(C) 798/2023, CM APPL. 26132/2024 (For placing
on record additional facts) & CM APPL. 26137/2024 (U/O 1
Rule 10)

SH MADAN PALPetitioner

Through: Mr. Jawahar Raja, Mr. Chirayu
Jain, Mr. Rajiv Agarwal, Mr.
Ishaan Goel and Mr. Nitai
Hinduja, Advocates.

versus

SH GYANESH BHARTI AND ANRRespondents

Through: Dr. Divya Swamy, Standing
Counsel along with Mr.
Yagyawalkya Singh and Mr.
Shikhar Rusia, Advocates for
MCD.

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

% **JUDGEMENT (Oral)**

1. The Contempt Petitions, being **CONT.CAS(C) 466/2023** and



2026:DHC:7656



CONT.CAS(C) 467/2023, have been instituted under Article 215 of the **Constitution of India, 1950**¹ read with Sections 11 and 12 of the **Contempt of Courts Act, 1971**², seeking initiation of contempt proceedings against the Respondents/alleged Contemnors for alleged deliberate breach and non-compliance of Order dated 07.10.2021 passed by the learned Co-ordinate Bench of this Court in W.P.(C) 11534/2021, titled “*Pramod Pandey & Anr. v. North Delhi Municipal Corporation & Ors.*” and connected matter.

2. The Contempt Petition, being **CONT.CAS(C) 798/2023**, has similarly been instituted under Article 215 of the Constitution read with Sections 11 and 12 of the CC Act, for initiating contempt proceedings against the Respondents/alleged Contemnors alleging deliberate and wilful non-compliance with the Order dated 17.04.2023 passed by the learned Co-ordinate Bench of this Court in W.P.(C) 4799/2023, titled “*Surender Pal Chauhan v. Municipal Corporation of Delhi*”.

3. Learned Standing Counsels appearing on behalf of **Municipal Corporation of Delhi**³ submit that the directions issued by this Court stand duly complied with and place reliance upon the Compliance Affidavit dated 09.03.2026. They submit that, insofar as the Order dated 07.10.2021 is concerned, the relevant directions issued by this Court were as follows:

“13. Accordingly, NIELIT is hereby directed to ensure that all the statutory dues and salaries of the Petitioners are released in time, and there is no delay in respect of the same. NIELIT is directed to release all the salaries and other dues, in favour of the Petitioners, on or before 20th October 2021, failing which the

¹ Constitution

² CC Act

³ MCD



2026:DHC:7656



Petitioners are permitted to approach this Court by way of an application, and stringent action would be liable to be taken against the contractor.

14. Insofar as the grievance of the Petitioners is concerned, since the contract of NIELIT has been extended till 31st December 2021, it is made clear that the Petitioners shall continue to work with the NrDMC as they were, in the past, and they shall not be terminated or restrained from working with the NrDMC, except in accordance with law. However, if the NrDMC choses to avail of the GeM portal or engage any other contractor as per the prescribed procedure at a later stage, they are permitted do so, so long as the new contractor does not change the service conditions of the Petitioners, till the pendency of the disputes before the Conciliation Officer and the Labour Court.”

4. Learned Standing Counsels submit that a plain reading of the aforesaid directions makes it clear that the service conditions of the Petitioners were required to remain unchanged. It is submitted that the original Agreement dated 04.02.2019, pursuant to which the Petitioners continued to remain engaged, itself stipulated that the **Data Entry Operators**⁴ were required to fulfil the prescribed eligibility criteria, including passing a typing test with a minimum speed of 30 words per minute. According to learned Standing Counsels, the said eligibility requirement has remained unchanged.

5. It is, therefore, contended that requiring the Petitioners to undergo a typing test in order to satisfy the prescribed eligibility criteria cannot be construed as a change in their service conditions, much less as wilful disobedience of the directions issued by this Court. The relevant portion of the aforesaid Agreement is reproduced hereinunder:

⁴ DEOs



2026:DHC:7656



ANNEXURE-I

Details of qualification, experience required for each post.

S.No	Post	Essential Qualification and Experience	Total experience in IT (after availing any Govt. recognized degree/diploma in IT.)
1	Systems Analyst / System Administrator	B.E./B.Tech (Computer Science/ Electronics & communication) / MCA / 'B' level of DOEACC Or B.E./B.Tech (other disciplines) /Master's degree in Science, Mathematics, Statistics, Economics, Commerce, Operations Research with one year 'A' level of DOEACC/ PGDCA (50% Marks in aggregate or Equivalent grade in qualifying Degree/Diploma)	At least three Years experience in large software Designing & Development using VB, ASP, JAVA, JSP, .Net, D2K, SQL server/Oracle 8i/9i DBA, WIN NT/Linux with knowledge of Hardware and Networking
2	Programmer	SAME AS OF SYSTEMS ANALYST	At least two Years experience in large software Designing & Development using VB, .Net, ASP, JAVA, JSP, D2K, SQL server/Oracle 8i/9i DBA, WIN NT/Linux with knowledge of Hardware and Networking
3	Programmer Assistant B	Bachelor's Degree in Computer Science/Computer Applications/ Electronics & communication Or Bachelor's degree in Science, Mathematics, Statistics, Economics, Commerce, Operations Research with one year 'A' level of DOEACC/ PGDCA (50% Marks in aggregate or Equivalent grade in qualifying Degree/Diploma)	At least one year experience in large software Designing & Development using VB, .Net, JAVA, JSP, D2K, SQL server/Oracle 8i/9i DBA, WIN NT/Linux with knowledge of Hardware and Networking
4	Programmer Assistant A	Bachelor's Degree in Computer Science/Computer Applications/ Electronics & communication Or Bachelor's degree in Science, Mathematics, Statistics, Economics, Commerce, Operations Research with one year 'A' level of DOEACC/ PGDCA (50% Marks in aggregate or Equivalent grade in qualifying Degree/Diploma)	Knowledge in large software Designing & Development using VB, .Net, JAVA, JSP, D2K, SQL server/Oracle 8i/9i DBA, WIN NT/Linux with knowledge of Hardware and Networking
5	Hardware Assistant 'B'	B.E./B.Tech Computer Science / Electronics & Communication OR Bachelors degree in any disciplines with NIELIT CHM-A level/CCNA/MCSE/ A+ (Comp Tia) (50% marks in aggregate)	Minimum one year
6	Hardware Assistant 'A'	Same as Hardware Assistant 'B'	-NIL-
7	DEO (Non-Graduate)	10+2 Pass with good typing speed of atleast 30 wpm	Working knowledge of MS-Office

6. Learned Standing Counsels further submit that it is only the six Petitioners herein who have declined to undergo the typing test, whereas all other persons engaged by the MCD have undergone the



2026:DHC:7656



said test. In view thereof, it is submitted that the Respondents have substantially complied with the directions of this Court and no purpose would be served by keeping the present proceedings pending.

7. Learned Standing Counsels lastly submit that, in any event, the requirement of satisfying an eligibility criterion cannot, by itself, be construed as a modification or alteration of the service conditions of the Petitioners. No other submissions were made by the learned Standing Counsel for the MCD.

8. **Per contra**, learned counsel appearing on behalf of the Petitioners submits that the submissions advanced on behalf of the Respondents/alleged Contemnors are misleading. It is contended that the so-called typing test was never insisted upon on any earlier occasion when the contractors changed, and that the Petitioners continued to remain in service for over twenty (20) years without being subjected to any such test. Learned counsel further submits that the assertion that other DEOs had undergone the typing test is equally misleading, inasmuch as a perusal of the Annexure appended to the Compliance Affidavit itself demonstrates that such test was conducted for the first time only in April, 2024.

9. Learned counsel for the Petitioners further submits that this Court, *vide* its directions dated 09.02.2026, had categorically required the Respondents to place on record an Affidavit disclosing whether such a test had been conducted on any earlier occasion during the relevant period. However, the Affidavit subsequently placed on record merely refers to the typing test conducted in April, 2024. It is, therefore, submitted that not only have the Respondents failed to comply with the specific directions issued by this Court, but in fact, by



2026:DHC:7656



the said affidavit, admit to there having been no such test conducted for continuing in service prior to April, 2024.

10. This Court has heard the learned counsel appearing on behalf of the parties at length and has also perused the material placed on record with their able assistance.

11. Upon a consideration of the material placed on record, this Court finds that the Compliance Affidavit primarily seeks to demonstrate the conduct of the eligibility test in April, 2024. Significantly, no material has been placed before this Court to indicate that such a test had been insisted upon or conducted at any earlier point in time. The contention of the Respondents/alleged Contemnors that the eligibility criteria applicable to DEOs necessarily required the conduct of such a test whenever there was a change of contractor does not appear to be borne out from the documents placed on record by the Respondents/alleged Contemnors on record.

12. The position that emerges from the record is, therefore, that the insistence upon the Petitioners undergoing the typing test has been introduced at this stage as a condition for their continuation in service. Such a requirement, in the facts and circumstances of the present case, effectively amounts to the introduction of a fresh condition for continuation of service. This Court is unable to accept that such a condition could be imposed in the teeth of the specific directions issued by the Coordinate Bench that, notwithstanding a change of contractor, the service conditions of the Petitioners were not to be altered. Such an action also does not appear to be in conformity with the mandate of Section 33 of the Industrial Disputes Act, 1947.

13. In view of the foregoing discussion, the submissions advanced



2026:DHC:7656



on behalf of the Respondents/alleged Contemnors cannot be accepted. The material placed on record demonstrates that the directions issued by this Court have not been complied with in letter and spirit. In fact, despite the directions issued by this Court, the respondents have continued to assert that the typing test was conducted on earlier occasions without placing on record any material to substantiate the same. The Respondents are, accordingly, held to be in breach of the directions issued by this Court.

14. Accordingly, the Respondents are directed to ensure that the six Petitioners herein are taken back into service within a period of four (04) weeks from today. In the event the aforesaid directions are not complied with within the stipulated period, the Commissioner, MCD shall file an appropriate Affidavit before this Court explaining the reasons for such non-compliance.

15. Having held the Respondents/alleged Contemnors to be in non-compliance of the directions issued by this Court, learned Standing Counsels appearing on their behalf submit that the authority concerned for the purpose of ensuring re-engagement/reinstatement of the Petitioners is the Director (IT), MCD and that the Petitioners may approach the said authority for the said purpose. The Petitioners shall, accordingly, approach and report before the Director (IT), MCD within a period of one (01) week from today, and the process of their re-engagement/reinstatement shall be completed within a period of four (04) weeks from today as already directed hereinabove.

16. In view of the aforesaid, the present Contempt Petitions stand allowed.

17. The present Contempt Petitions, along with pending



2026:DHC:7656



Application(s), if any, stand disposed of in the above terms.

18. A copy of this Order be kept in the connected matters.

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 08, 2026/tk/ma