



2025:DHC:3501-DB



\$~34

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

Date of decision: 09.05.2025

+ W.P.(C) 6126/2025

MAHBOOB KHAN AND ORS

.....Petitioners

Through: Mr. Pulkit Agarwal, Mr. Alok Abhinav, Mr. Sudhanshu Kaushik, Mr. Shreyas, Mr. Rajat Kumar and Mr. Anubhav Lamba, Advocates.

versus

UNION OF INDIA THROUGH THE SECRETARY & ANR.

.....Respondents

Through: Mr. R.V. Sinha, Mr. A.S. Singh and Mr. Amit Sinha, Advocates and Mr. Ajay Pal, Law Officer, CRPF along with Insp. Athurv

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

CM APPL. 27922/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 6126/2025 & CM APPL. 27921/2025

2. This petition has been filed challenging the Orders dated 21.02.2025 and 28.03.2025, whereby the petitioners have been transferred due to administrative exigencies.

3. The challenge of the petitioners to the Impugned Transfer



2025:DHC:3501-DB



Orders is that though they had earlier been appointed under the Group “D” posts as Follower (Safai Karamchari (Ministerial)), pursuant to an O.M. dated 16.10.2020 by which a merger of the posts of Daftry, Farash, Peon and Safai Karamchari (Ministerial) into one category of Multi-Tasking Staff Ministerial cadre, had taken place, they were performing the work of Multi-Task staff. They claim that the respondent no.2, by an Order dated 06.06.2024, has restored the petitioners to the earlier cadre of Constable/Safai Karamchari (Ministerial) instead of Multi-Tasking Staff Ministerial Cadre, thereby demoting them. This issue is pending adjudication before this Court in a separate Writ Petition, being W.P.(C) 13387/2024.

4. The learned counsel for the petitioners submits that the impugned Transfer Orders had been passed by treating the petitioners as Head Constable/Constable Safai Karamchari (Ministerial), which, in the opinion of the petitioners, is demeaning of their stature.

5. We are unable to agree with these submissions made by the learned counsel for the petitioners.

6. The issue of whether the petitioners are to be treated as Head Constable/Constable Multi-Tasking Staff Ministerial Cadre or not, is pending consideration before this Court in a separate Writ Petition. At best, the case of the petitioners is that with the merger of the posts, they were assigned ministerial work rather than the work of the Safai Karamchari, the work on which they have been appointed. We are of the opinion that until the petitioners succeed in the above referred pending Writ Petition, their status remains that of Head



2025:DHC:3501-DB



Constable/Constable Safai Karamchari (Ministerial). The Court would also need to determine in the said Writ Petition if, by such merger of posts and by the mere fact that the petitioners, in administrative exigencies, are being made to perform ministerial work by the respondents, they can claim any vested or even legitimate right to continue only in such work and the respondents are debarred from taking the work from them for which they were appointed. Therefore, until the petitioners succeed in their pending Writ Petition or an interim order is passed in the said Writ Petition, the impugned orders posting them in their original cadre and for original work for which they were appointed, cannot be challenged.

7. In fact, we are indeed surprised that when the petitioners were initially appointed as Constable (Safai Karamchari (Ministerial)), they now find the said post to be demeaning, only because of the merger of the posts.

8. Barring the above submissions, there is no other ground to challenge to the Impugned Transfer Orders.

9. We, therefore, find no merit in the present petition. The same is, accordingly, dismissed. The pending application also stands disposed of.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MAY 9, 2025

Sc/kz/SJ

Click here to check corrigendum, if any