



2026:DHC:4690-DB



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

+ W.P.(C) 3020/2021

KUNWAR PAL SINGH & ORS.Petitioners
Through: Mr. Anil Mittal, Mr. Shaurya
Mittal and Mr. Atul Chauhan, Advs.

versus

DELHI TRANSPORT CORPORATIONRespondent
Through: Mrs. Avnish Ahlawat, SC for
DTC with Mr. Nitesh Kumar Singh, Ms.
Aliza Alam and Mr. Mohnish Sehrawat,
Advs.

CORAM:**HON'BLE MR. JUSTICE C. HARI SHANKAR****HON'BLE MR. JUSTICE OM PRAKASH SHUKLA****JUDGMENT(ORAL)**

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22.05.2026**C. HARI SHANKAR, J.**

1. The petitioners were appointed as drivers in the Delhi Transport Corporation on various dates in 2010. Two years thereafter, they were subjected to a medical examination in October 2012.

2. Aggrieved thereby, the petitioners moved this Court by way of WP (C) 7010/2012. By order dated 6 November 2012, this Court, observing that it had no jurisdiction in the matter, transferred the writ petition to the Central Administrative Tribunal¹, where it was registered as TA 52/2012.

¹ "the Tribunal", hereinafter



3. In the said TA, the Tribunal passed an interim order on 15 November 2012, holding that the petitioners were entitled to be given work during the pendency of the TA and directing the respondent accordingly.

4. As the petitioners were not given work, they filed CP 347/2013 for initiating of contempt proceedings against the respondent. The said CP was disposed of by the Tribunal *vide* order dated 8 August 2013, which concluded with the following observations:

“4. The order of this Tribunal was that the applicants shall not be visited by any adverse consequences. As long as they are getting their salaries, even without any work, they cannot plead that they have been visited with any adverse circumstances. Therefore, the learned Counsel for the petitioners concedes that in this context there is no contumacious act on the part of the respondents, and the Contempt Petition may be dropped. Therefore, this Contempt Petition is closed. Notices issued to the respondents are discharged.”

5. TA 52/2012 came to be disposed of on 12 February 2014. Though the disposal of the TA, and the terms in which it was disposed of, are not strictly significant for our purpose, we may note, for the sake of the record, that the Tribunal disposed of the TA on the ground that the issue forming subject matter of the TA was *sub judice* before this Court in WP (C) 44/2014². The TA was, therefore, disposed of with the observation that the petitioners’ fate would abide by the outcome of WP (C) 44/2014.

6. Reverting to the present dispute, Mr. Anil Mittal, learned

² Delhi Transport Corporation v. Balwan Singh



Counsel for the petitioners, submits that the salary which was being paid to the petitioners came to an abrupt halt with the disposal of CP 347/2013 on 8 August 2013, whereafter no salary was paid to them.

7. The petitioners, therefore, moved OA 1947/2014, ventilating their grievance at not having been paid any salary despite the order passed by this Court in CP 347/2013.

8. The Tribunal has not condescended to decide the OA on merits. Instead, the Tribunal has expressed chagrin at the fact that the OA was filed in the first place. Paras 6 and 7 may be reproduced thus:

“6. We fail to understand as to how the present OA could have been filed at all. An interim order was passed in the TA and complaining that the same was not honoured, the Contempt Petition was filed. Statement made on behalf of the respondent that salary was being paid to the applicants without even assigning the work, was taken on record. If that statement was not factually correct, the applicants could have brought to the notice of the Tribunal by filing an application in that CP itself. That possibility also ceased to exist, once the TA itself was disposed of on 12.02.2014. All interim orders merged into the final order and the question of initiating any proceeding for implementation of the so-called interim order does not arise.

7. We, therefore, do not find any merit in the OA. It is accordingly dismissed.”

9. We find no justification for the Tribunal to enter the above observations. Once TA 52/2012 stood disposed of on 12 February 2014, it was but obvious that the petitioners would ventilate their grievance only by way of a fresh OA. The Tribunal was, therefore, clearly unjustified in expressing unhappiness at the fact that a fresh OA had been filed, and declining to examine it on merits.



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10. The grievance of the petitioners is specifically that, after 8 August 2013 when CP 347/2013 was disposed of, no salary was paid to the petitioners from September 2013 onwards. Mr. Mittal submits that the petitioners' claim is for salary for the period September 2013 to 12 February 2014.

11. As against this, Mr. Nitesh Kumar Singh, learned Counsel for the respondent submits that the decision not to pay salary was preceded by a show cause notice which was issued to the petitioners.

12. We are not inclined to enter into this aspect as the Tribunal has not examined it in the first instance and, in view of the judgment of the Supreme Court in *L Chandra Kumar v. Union of India*³, it would be appropriate that the issue is first addressed by the Tribunal.

13. In that view of the matter, we set aside the impugned order dated 4 December 2019. OA 1947/2014 stands remanded to the Tribunal for adjudication on merits.

14. As the case is of considerable vintage and the issue in controversy is short, we request the Tribunal to deal with the matter as expeditiously as possible and attempt to dispose of the OA within a period of six months from the date of appearance fixed by us.

15. In order to expedite matters, we direct the parties to appear before the Tribunal on 7 July 2026. Neither party would be entitled to

³ (1997) 3 SCC 261



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seek any adjournment from the Tribunal on the said date.

16. The writ petition is disposed of in the aforesaid terms.

17. We clarify that we have not expressed any opinion on the merits of the petitioners' claim for salary for the period September 2013 to February 2014. The Tribunal would deal with the claim on its own merits.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

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