



2026:DHC:3691-DB



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

+ W.P.(C) 19320/2025, CM APPL. 80642/2025 & 80644/2025

MUKESH KUMAR AND ORSPetitioners

Through: Dr. Monika Arora, CGSC, Mr.
Subhrodeep Saha, Ms. Anamika Thakur, Mr.
Abhinav Verma, Advs.

versus

GOVT OF NCT OF DELHI & ANR.Respondents

Through: Mrs. Avnish Ahlawat SC
GNCTD, Mr Nitesh Kumar Singh, Advs.

+ W.P.(C) 19440/2025, CM APPL. 81073/2025 & 81075/2025

RUBI AND ORSPetitioners

Through: Dr. Monika Arora, CGSC), Mr.
Subhrodeep Saha, Ms. Anamika Thakur, Mr.
Abhinav Verma, Advs.

versus

GOVT OF NCT OF DELHI & ANR.Respondents

Through: Mrs. Avnish Ahlawat SC
GNCTD, Mr Nitesh Kumar Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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29.04.2026

C. HARI SHANKAR J.

1. These writ petitions assail the following order passed by the



Central Administrative Tribunal¹:

“In this batch of OAs, the applicants seek the relief in the form of direction to the respondents to regularize their services.

2. Reliance is placed upon a judgment of Hon'ble Supreme Court in *State of Karnataka v. Uma Devi*², and judgment of Hon'ble High Court of Delhi in W.P (c) No. 6798/2002 titled *Sonia Gandhi & Ors. Vs. GNCTD & ors.*

3. The OAs are pending for quite some time. Obviously because the issue is general and at the same time complicated, however, they are being adjourned from time to time.

4. It is represented that the same issue is being dealt with by the Hon'ble High Court of Delhi in a Contempt Case No. 980/2016. When the very implementation of the judgment of Hon'ble High Court is under consideration in the contempt proceedings, the Tribunal cannot take any independent view as regards the application of law laid down in the concerned Writ Petitions.

5. We, therefore, close all these OAs together with the M.As, leaving it open to the applicants to await outcome of the adjudication taking place before the Hon'ble High Court in contempt case.

6. We make it clear that if any grievance subsists, it is left open to them to approach the Tribunal by filing fresh application. There shall be no order as costs.”

2. Ms. Monika Arora, learned Counsel for the petitioners submits that the contempt petition to which the afore-extracted order refers was the contempt filed in the case of *Sonia Gandhi* and that, thereafter, with respect to similarly situated employees, this Court has already ruled in favour of the employees in its judgment in the *Pawan Sharma v. Govt. of NCT of Delhi*³ which has, thereafter, being followed in *New Delhi Municipal Council v. Kalpana Sharma &*

¹ “the Tribunal” hereinafter

² (2006) 4 SCC 1

³ 2025 SCC OnLine Del 8313



*Anr*⁴.

3. Be that as it may, the Supreme Court has held, in *L Chandra Kumar v. Union of India*⁵, that a cause must be first examined by the Tribunal before this Court applies its mind to it, and that this Court should not act as a Court of first instance.

4. The Tribunal has not examined the merits of the petitioners' OA and had merely left the OA undecided, leaving it open to the petitioners to re-approach the Tribunal after the contempt petition in *Sonia Gandhi*⁶ was decided.

5. While it is not very clear as to why the Tribunal demurred from deciding the matter, nonetheless, we dispose of these writ petitions by setting aside the impugned order and restoring OA 1282/2020 and OA 2245/2020 filed by the petitioners to the file of the Tribunal.

6. Needless to say, it shall be open to the petitioners to point out to the Tribunal that the case is covered by our decision in *Pawan Sharma* as well as agitate any other argument which may available to them.

7. The OAs and writ petitions are disposed of accordingly.

8. We direct the Registry of the Tribunal to list the OAs before the appropriate bench, on 18 May 2026.

⁴ Judgment dated 13 April 2026 passed in **WP (C) 4646/2026**

⁵ **(1997) 3 SCC 261**

⁶ Judgment dated 6 November 2013 in **Sonia Gandhi & Ors v. GNCTD in WP C 6798/2002**



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9. We direct the parties to appear before the Tribunal on the aforesaid date.
10. Neither side shall take an adjournment on the said date as this case deals with regularisation.
11. We request the Tribunal to expeditiously dispose of the matter.
12. These writ petitions are disposed of.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

APRIL 29, 2026/AT