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

Date of decision: 18.11.2025

+ W.P.(C) 15156/2025 & CM APPL. 62200/2025, CM APPL. 62201/2025

DELHI WAQF BOARD

.....Petitioner

Through: Mr.M. K. Bhardwaj, Ms.Bahist
Jahan and Mr.Amaan Afsar,
Adv.

versus

HASEEB AHMAD AND ANR.

.....Respondents

Through: Mr.Govind Manoharan,
Ms.Samiksha Godiyal and
Mr.Tenzing Namgyal Bhutia,
Adv.

Mr.Nitesh Kumar Singh, Adv.
for Mrs.Avnish Ahlawat, SC
for GNCTD (Services)

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner, challenging the Orders dated 16.05.2024 and 30.05.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in C.P. No. 382/2024 in O.A. No. 320/2023, titled ***Haseeb Ahmad v. Dr. Mohd Rehan Raza Delhi Waqf Board.***

2. With the consent of the learned counsels for the parties, the petition has been heard in detail and is being disposed of at the admission stage itself.



3. The respondent no.1 had filed the above O.A. before the learned Tribunal, praying therein for the following reliefs:

“ 8.1 In view of the submissions made hereinabove, it is respectfully prayed that this Hon’ble Tribunal may be pleased to:

I. Issue an appropriate direction for re-fixation of the grade pay and pay scale of the Applicant to 4200 and 9300-34800 respectively w.e.f. 01.10.2019.

II. Issue an appropriate direction for the Delhi Waqf Board to open a provident fund account, provide the details thereof to the Applicant and start making and deducting contributions thereto in accordance with law.

III. Issue an appropriate direction for increments on salary after re-fixation as per grade pay of 4200 and pay scale of 9300-34800 in accordance with law.

IV. Issue an appropriate direction commencing and maintaining contributions under the Mediclaim Policy and EDI Scheme in accordance with law and any other benefits provided to employees of the Board.

V. Issue an appropriate direction for bonuses after re-fixation as per grade pay of 4200 and pay scale of 9300-34800 in accordance with law.

VI. Issue an appropriate direction for payment of arrears arising from any/all of the above-mentioned reliefs from the date on which such amount is due.

VII. Issue appropriate directions for release of monthly salaries for the months of October, November, and December, 2022 and regular release of the salary to the Petitioner in the future without any delay and in accordance with extant regulations;

VIII. Issue an appropriate direction for Respondent Board-Delhi Waqf Board to decide the representations dated 02.12.2021, 05.08.2022 and 12.09.2022 made by the Applicant in a time- bound manner.”



4. By an Order dated 07.02.2023, the learned Tribunal considered the prayers made by the respondent no.1, and the respondent no.1 confined the prayer only to the one set-forth in Paragraph 8.1 (I).

5. While issuing notice in the O.A., the learned Tribunal also considered the *interim* relief sought by the respondent no. 1 and observed as under:

“By virtue of the prayer for interim relief, the applicant seeks a direction to the respondents to release the salary for the last four months which has been withheld for reasons not known as explained by the learned counsel for the applicant. The said prayer is dis-posed of with a direction to the competent authority amongst the respondents to take a well considered decision and pass appropriate directions for release of salary of the applicant as expeditiously as possible. However, in case there is some legal impediment in doing so, the same may be submitted before us on the next date of hearing.”

6. As the salary of the respondent no.1 was not released and, instead, his services were terminated by an Order dated 31.10.2023, the O.A. thereafter proceeded only on this *interim* relief.

7. The respondent no.1 filed a Contempt Petition, being C.P. No. 382/2024, alleging non-compliance with various orders passed by the learned Tribunal, whereby further time had been granted to the petitioner to comply with its directions contained in the Order dated 07.02.2023 and/or to take a decision regarding the release of salary to the respondent no.1 for the period he had admittedly worked but had not been paid, that is, from May 2023 to October 2023.

8. The petitioner, by an Administrative Order dated 22.07.2025,



refused to release the salary of the respondent no.1, *inter alia*, observing that the very appointment of the respondent no.1 was illegal, being not only contrary to the settled principles governing appointments to public office but also beyond the sanctioned strength.

9. In the meantime, by the Impugned Orders, the learned Tribunal, while proceeding with the Contempt Petition, directed the CEO of the petitioner to remain personally present before the Court.

10. The grievance of the petitioner is that it has duly complied with the Order dated 07.02.2023, which directed the petitioner to take a view on the release of the salary of the respondent in accordance with law.

11. The learned counsel for the petitioner submits that there was no direction to release the salary, which, in any event, was not payable in law.

12. On the other hand, the learned counsel for the respondent no.1 has drawn our attention to various orders of the learned Tribunal by which the learned Tribunal had called upon the petitioner to release the salary of the respondent no.1, as it had been admitted that the respondent no.1 had worked during the period in question.

13. We have considered the submissions made by the learned counsels for the parties.

14. As would be evident from the above, the issue before the learned Tribunal is whether the very appointment of the respondent no.1 was illegal and contrary to the settled principles applicable to appointments to public office and if so, the effect thereof on the claim of salary of the respondent for the period he claimed to have worked



for the petitioner. The termination of services of the respondent is also in challenge before the learned Tribunal, though in a different O.A., that is, O.A. No.3510/2023.

15. Given the above facts, in our opinion, instead of proceeding with the Contempt Petition, the learned Tribunal would be well-advised to consider the O.A.(s) filed by the respondent no.1 on merit and decide the same, so that these issues are settled finally.

16. We are also informed that O.A. No. 3510/2023, titled *Mohd Yusuf v. Waqf*, is listed before the learned Tribunal on 14.01.2026.

17. We request the learned Tribunal to expedite the hearing of the said O.A. and O.A. No. 320/2023 and decide the same preferably within a period of two months from their first listing after the present Order.

18. In the meantime, the learned Tribunal shall not proceed further with the Contempt Petition.

19. We clarify that we have not expressed any opinion on the merits of the claims of the parties, and all contentions are left open to be adjudicated.

20. The petition, along with the pending applications, is disposed of in the above terms.

21. There shall be no order as to costs.

NAVIN CHAWLA, J

MADHU JAIN, J

NOVEMBER 18, 2025/sg/DG