



2025:DHC:8716-DB



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

***Date of decision: 24.09.2025***

+ W.P.(C) 13763/2025 & CM APPL. 56432-34/2025  
UNION OF INDIA AND ANR .....Petitioners

Through: Ms.Arunima Dwivedi,  
CGSC, Mr.Sainyam Bhardwaj,  
Adv.

versus

LAKSHMAN SINGH NEGI AND ORS .....Respondents

Through: Mr.A.K.Trevedi, Adv.

**CORAM:**  
**HON'BLE MR. JUSTICE NAVIN CHAWLA**  
**HON'BLE MS. JUSTICE MADHU JAIN**

**NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed, challenging the Order dated 21.08.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No.2355/2023, titled ***Lakshman Singh Negi & Ors. v. Union of India & Anr.***, allowing the said O.A. filed by the respondents herein with the following directions:

*"7. In view of the same the present OA is also allowed with the following directions:-*

*7.1 Those applicants, who have completed 10 years or more service, be extended the same benefit as has been extended by the respondents vide their Office Order No.A-64/62/2022- Adm.II dated 17.05.2023 of Archaeological Survey of India.*



*7.2 The aforementioned order be issued within a period of three months from the date of receipt of a certified copy of this order.”*

2. To give a brief background of the facts in which the present petition arises, the respondents were appointed as Monument Attendants *albeit* on a casual basis in the Archaeological Survey of India, and were granted temporary status as per the Office Memorandum dated 10.09.1993, and were subsequently regularised, with effect from 31.08.2015, to the post of Multi Tasking Staff (MTS). The dates of their initial engagement and the dates of their regularisation are as under:

<i>Sl.No.</i>	<i>Name</i>	<i>Date of initial engagement</i>	<i>Date of Regularization</i>
1.	<i>Lakshaman Singh Negi</i>	<i>16.07.1989</i>	<i>31.8.2015</i>
2.	<i>Subhash Chand</i>	<i>07.04.1988</i>	<i>31.8.2015</i>
3.	<i>Amarnath</i>	<i>08.08.1986</i>	<i>31.8.2015</i>
4.	<i>Kishore Kumar Joshi</i>	<i>12.03.1989</i>	<i>31.8.2015</i>
5.	<i>Chandan Singh</i>	<i>02.07.1989</i>	<i>31.8.2015</i>
6.	<i>Ramesh Kudi</i>	<i>26.02.1992</i>	<i>31.8.2015</i>
7.	<i>Mohan Chandra</i>	<i>06.11.1988</i>	<i>31.8.2015</i>
8.	<i>Devi Lal</i>	<i>07.12.1984</i>	<i>31.8.2015</i>

3. Another batch of persons, who were also working as Monument Attendants but were not regularised, upon completion of ten years of service, sought regularisation, which eventually resulted in a judgment passed by the High Court of Jammu & Kashmir in ***Ghulam Nabi Ahanger & Ors v. Union of India & Ors.***, 2018:JKLHC:SGR:109,



wherein the High Court allowed the petition of the petitioners therein and directed regularisation of their services from the date they had completed 10 years of continuous service, giving them the same treatment as had been provided to the similarly situated casual labourers. The challenge against the said judgment also stood rejected right till the Supreme Court.

4. In compliance with the said judgment, the petitioners issued the Office Order dated 04.07.2023, regularising the services of the petitioners in the said case, with effect from the completion of 10 years of service. From the Office Order, it is apparent that all these persons had been appointed as Monument Attendants much after the respondents had been appointed to the said post, but were given regularisation from a date much before the respondents herein, that is, upon them completing 10 years of service.

5. Aggrieved by the same, the respondents herein approached the learned Tribunal by way of the above O.A. The learned Tribunal, as noted hereinabove, allowed the O.A. with the above quoted directions.

6. The learned counsel for the petitioners submits that the respondents, having accepted their regularisation in terms of the OM dated 10.09.1993 with effect from 31.08.2015, could not seek the retrospective regularisation from the date of completion of 10 years of service solely based on the judgment of the Jammu and Kashmir High Court in *Ghulam Nabi Ahanger & Ors.* (supra). She further submits that there was no challenge by the respondents to the OM dated 10.09.1993, in terms of which they have been regularised, in fact, after giving relaxations.



7. On the other hand, the learned counsel for the respondents submits that the respondents are admittedly senior to the petitioners before the Jammu and Kashmir High Court. He submits that merely because the petitioners themselves decided to regularise the respondents, finding them fit for the same, while others had to approach the Courts for their regularisation, should not result in the respondents having to suffer in the matter of seniority. He submits that the date of regularisation determines the seniority of the respondents at the post of MTS and, therefore, the respondents would perpetually suffer if the date of their regularisation is not amended accordingly.

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

9. It is not disputed that the respondents have been appointed to the post of Monument Attendant and, therefore, regularised to the post of MTS, much prior to the petitioners before the Jammu and Kashmir High Court. It is also not disputed that the respondents, upon being found fit, were regularised by the petitioners, on their own, to the post of MTS, in terms of OM dated 10.09.1993, while the petitioners before the Jammu and Kashmir High Court were not so regularised, and instead, had to approach the Court. The judgment of the Jammu and Kashmir High Court has also been implemented as far as those petitioners are concerned.

10. Though the learned counsel for the petitioners submits that the judgment had been implemented on the threat of contempt, it is not disputed that challenge to the said judgment has also been dismissed right till the Supreme Court. In terms of the said judgment,

