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

Date of decision: 25.08.2025

+ W.P.(C) 4218/2008 & CM APPL. 8126/2009
DR. PUNITA K.SODHIPetitioner

Through: Petitioner-in-person.

versus

UOI & ORS.Respondents

Through: Ms.Manisha Agrawal Narain,
CGSC
Mr.T. Singhdev, Mr.Tanishq
Srivastava, Mr.Abhijit
Chakravarty, Mr.Bhanu Gulati,
Ms.Anum Hussain, Mr.Vedant
Sood, Mr.Sourabh Kumar,
Advs. for R-5.
Ms.Saahila Kaur Lamba, Adv.
(Amicus Curiae).

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, seeking the following reliefs:

“FINAL RELIEFS:

In view of the submissions made above, it is most respectfully and humbly prayed that in the interest of justice, this Hon'ble Court may be pleased to:

- 1. To restrain respondents 1-3 from giving first promotion to Dr. Ruchi Sangal and Dr. Zia Choudhury before the issue of their eligibility and*



fitness to get recruited to the post of an Assistant Professor in Ophthalmology from Advt. 10 and Item 10 + Item 6 is settled.

2. To order repeat medical examination of respondent 6, by two independent and impartial expert medical boards outside Delhi, with fundus photographs and other objective evidences for documentation.

3. To cancel the appointment of respondent 5 & 6, who are not eligible for the post of Assistant Professor in Ophthalmology, and nullify their experience gained in that capacity.

4. To direct the respondents 1-3 to approve an initial posting and transfer policy for teaching Cadre doctors.

5. To grant notional seniority to the petitioner and take her date of joining as March 30, 2006, the date of issue of the appointment letter, as she was purposely withheld from joining at this post by the respondents 1-3.

6. To maintain lien for the petitioner in the previous post of Non-Teaching Specialist in Ophthalmology, under the same employer i.e. MHFW.

7. To call for records in matter of repeated delay in salary release, for the petitioner, and sending of assessment report to clear probation period.

8. To initiate disciplinary proceeding against R 5, and concerned officials for conspiring dishonestly, and fraud as per record.”

2. At the commencement of submissions, the petitioner, who appears in person, submitted that she confines her relief only to prayer (5) reproduced hereinabove. Therefore, as far as the other prayers are concerned, we shall not be adverting to the same in the present Judgment.

3. For considering the above prayer, the brief relevant facts are that pursuant to Advertisement No.10 issued by the Union Public Service Commission (UPSC) inviting applications for three posts of



Assistant Professor in Ophthalmology, the petitioner applied for the same and was successful in the selection process. She was issued an Appointment Letter dated 30.03.2006, posting her at JIPMER, Pondicherry.

4. Aggrieved by her posting, and contending that the respondent nos.5 and 6 were neither eligible for the post of Assistant Professor (Ophthalmology) nor entitled to be granted posting at Delhi, she filed O.A. No.2018/2016 before the learned Tribunal.

5. On 25.09.2006, the learned Tribunal directed that the offer of appointment issued to the petitioner shall not be cancelled. However, the said order was subsequently vacated by the learned Tribunal vide its Order dated 25.01.2007.

6. Aggrieved thereby, the petitioner filed a Writ Petition, being W.P.(C) No. 759/2007, titled **Dr. Punita K. Sodhi v. UOI & Ors.**, before this Court. By its Order dated 31.01.2007, this Court, while finding no merit in the writ petition, extended the time granted to the petitioner to join her duties, till 21.02.2007. The relevant extract from the said order is reproduced hereinbelow:

“2. We are not inclined to stay the order vacating the interim order passed by the Central Administrative Tribunal and posting the OA for hearing on 14th February, 2007. The learned counsel for the petitioner states that the petitioner is having two small children and may be given time for joining the duty. The petitioner is granted three weeks' time to join the duties on or before 21st February, 2007.

3. The petitioner is at liberty to make the plea of extension of time before the Tribunal hearing the matter.”



7. Availing of the liberty granted to her to seek extension of time before the learned Tribunal, the petitioner filed an application before the learned Tribunal, and the learned Tribunal, *vide* its Order dated 20.02.2007, extended the time for her to join the service, till 05.03.2007. Admittedly, the petitioner joined her posting at JIPMER on 01.03.2007, that is, within the extended period.

8. By the Impugned Order dated 25.05.2007, the O.A. filed by the petitioner was dismissed, observing as under:

“78. Taking the totality of facts and circumstances of the case into consideration, and keeping our judicial review within the scope for it defined by the Hon’ble Supreme Court in its rulings aforementioned, we come to the inevitable conclusion that applicant in OA No. 2018/2006 has been unable to establish any vested right for being posted in Delhi upon her first appointment as Assistant Professor (Ophthalmology). We cannot also disbelieve affidavits given by constitutional and expert bodies, in the absence of any specific mala fides having been alleged and established against them. We also do not find any merit in her contentions relating to disqualification of respondent nos. 5 and 6. The prayer of the applicant in OA No. 1329/2006 is also without merit.”

9. Aggrieved thereby, the petitioner has filed the present petition.

10. The petitioner, who appears in person, submits that as she joined the service within the period permitted by this Court, as further extended by the learned Tribunal, her seniority ought to be reckoned from the date of the offer of appointment, that is, 30.03.2006. In support of this contention, she places reliance on the Office Memorandum dated 13.08.2021.



11. She further submits that other persons who had joined duty, were granted retrospective seniority from the date of issuance of their appointment letters. In support of this submission, she places reliance on Office Order No. A 23011/02/2019-CHS III dated 30.10.2019.

12. As the petitioner was appearing in person, we had requested Ms.Saahila Kaur Lamba, the learned Advocate, to act as an *Amicus Curiae* to assist this Court. She submitted that since the time for joining had been extended, the petitioner is entitled to notional seniority from the date of the offer of appointment. In support of her submission, she placed reliance on the Judgment of the Supreme Court in **Balwant Singh Narwal & Ors. v. State of Haryana & Ors.**, (2008) 7 SCC 728.

13. On the other hand, the learned counsel for the respondents submits that the time for joining service was extended by this Court *vide* its Order dated 31.01.2007 passed in W.P.(C) No. 759/2007, while at the same time finding no merit in the writ petition filed by the petitioner. She further submits that while granting a further extension, the learned Tribunal, in its order dated 20.02.2007, had also observed that such extension was without prejudice to the legal rights and issues raised in the O.A. She contends that since these were only interim orders, and the O.A. filed by the petitioner was eventually dismissed, the petitioner cannot derive any benefit therefrom. In support, reliance is placed on the judgment of the Supreme Court in **State of U.P. through Secretary & Ors. v. Prem Chopra**, 2022 SCC OnLine SC 1770, and of the High Court of Allahabad in **Shyam Lal v. State of Uttar Pradesh, Lucknow & Ors.**, 1966 SCC OnLine ALL 368.



14. She further submits that since the petitioner did not join service within the time originally stipulated in the offer of appointment, she cannot claim retrospective seniority from that date. In support of this submissions, reliance is placed on the Judgment of the Supreme Court in ***Bharat Amratlal Kothari & Anr. v. Dosukhan Samadkhan Sindhi & Ors.***, (2010) 1 SCC 234.

15. She submits that the Judgment in ***Balwant Singh Narwal*** (supra), would not come to the aid of the petitioner, inasmuch as the petitioners therein had succeeded in their writ petition.

16. We have considered the aforementioned submissions made above.

17. In the present case, though the petitioner had not joined her posting within the period stipulated in the offer of appointment dated 30.03.2006, this Court extended the time for joining till 21.02.2007, and thereafter the learned Tribunal further extended it till 05.03.2007. The petitioner admittedly joined service within the said extended period. Though her eventual challenge to the appointments of respondent nos. 5 and 6 failed, as noted hereinabove, we are not concerned with the same in the present writ petition, the petitioner having already given up her prayers in that regard.

18. Once the petitioner joins service within the extended period, whether such extension is granted by the respondents themselves or pursuant to orders of this Court, such joining has to be deemed as having been made within the period stipulated in the offer of appointment, and effect thereto has to follow. In this regard, reference may be made to OM No. 9/23/71-Estt.(D) dated 06.06.1978, wherein



the DoP&T clarified that if an extension of the joining period has been granted, the seniority of the person concerned is to be fixed under the rules applicable to the service/post in question, without any depression in seniority.

19. The submission of learned counsel for the respondents that the extension was granted only by way of interim orders and, without adjudicating upon the rights and contentions of the parties, and, therefore, should not come to the aid of the petitioner does not impress us. The fact remains that the order granting extension to the petitioner to join duty was never challenged by the respondents. The full effect of these orders, therefore, must be given, including for the purpose of determining the petitioner's seniority. While there can be no cavil with the proposition that backdated seniority cannot ordinarily be granted, in the present case seniority is being reckoned strictly in terms of the offer of appointment as modified by the orders of this Court and the learned Tribunal. Equally, though it is correct that interim orders passed during proceedings merge into the final order and ordinarily do not survive beyond it, in the present case the effect of the interim order was to condone the petitioner's delay in joining duty within the time stipulated in the offer of appointment. Once such delay stands condoned, its legal effect must necessarily follow.

20. Accordingly, we allow the present petition to the limited extent by holding that the petitioner shall be entitled to seniority as per her merit in the selection process, with effect from the date stipulated in the offer of appointment. The consequential notional benefits shall also be extended to the petitioner. The respondents are directed to pass



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appropriate orders in this regard within a period of eight weeks from today.

21. We express our gratitude to Ms.Saahila Kaur Lamba, the learned *Amicus Curiae*, for assisting us in the present case.

22. The petition along with the pending application stands disposed of in the above terms.

NAVIN CHAWLA, J

MADHU JAIN, J

AUGUST 25, 2025/ns/DG