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

+ W.P.(C) 1265/2018 & CM APPL. 9919/2025

GOVT. OF NCT OF DELHI AND ANRPetitioners

Through: Ms. Avnish Ahlawat, Standing Counsel with Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Adv.

Ms. Geeta Luthra, Sr. Adv. with Mr. A. Chanda and Mr. Rachit Gupta, Adv.

versus

DE. YOGINDER GUPTA AND ANR.Respondents

Through: Mr. Ankur Chhibber, Adv. Mr. Rohan Alva, Mr. Ujjal Banerjee and Mr. Anmol Sehgal, Adv. for R-3 to 23.

Mr. Nishant Gautam, CGSC with Mr. Dhruv Joshi, Mr. Vinay Kaushik and Mr. Vipul Verma, Adv.

+ W.P.(C) 4705/2018, CM APPL. 20533/2023, CM APPL. 47780/2023, CM APPL. 10838/2024 & CM APPLs. 16042-43/2024

GOVT OF NCT OF DELHI & ORSPetitioners

Through: Ms. Avnish Ahlawat, Standing Counsel with Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Adv.

Ms. Geeta Luthra, Sr. Adv. with Mr. A. Chanda and Mr. Rachit Gupta, Adv.

versus

DR. H.C GUPTARespondent

Through: Mr. P. N. Misra, Sr. Adv. with Mr. Parth Sarathi and Mr. Sanjay Kr. Visen, Adv.

+ W.P.(C) 5221/2018

W.P.(C) 1265/2018 & connected matters

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DR. P.S. SARANGI & ORSPetitioners
Through: Mr. Vikas Singh, Sr. Adv. with
Mr. Varun Singh, Ms. Deepeika Kalia,
Mr. Ytharth Kumar, Ms. Somesa Gupta, Ms.
Vasudha Singh and Mr. Sudeep Chandra,
Advs.
Mr. Nidesh Kumar Gupta, Sr. Adv. with Mr.
Rohan Alva, Mr. Ujjal Banerjee, Mr. Anant
Sanghi and Mr. Anmol Sehgal, Advs.

versus

GOVT. OF NCT OF DELHI & ORSRespondents
Through: Ms. Avnish Ahlawat, Standing
Counsel with Mr. Nitesh Kumar Singh,
Ms. Laavanya Kaushik, Ms. Aliza Alam and
Mr. Mohnish Sehrawat, Advs.
Mr. Shankar Raju and Mr. Nilesh Gaur,
Advs. for R-4 to 11.

+ W.P.(C) 10928/2019 & CM APPL. 55140/2019

DR. KUMUD BHARTIPetitioner
Through: Mr. Mukesh Kumar, Adv.

versus

GOVT. OF NCT OF DELHI AND ORS.Respondents
Through: Ms. Avnish Ahlawat, Standing
Counsel with Mr. Nitesh Kumar Singh,
Ms. Laavanya Kaushik, Ms. Aliza Alam and
Mr. Mohnish Sehrawat, Advs.

+ W.P.(C) 167/2019

DR. MAHESH CHAUHANPetitioner
Through: Mr. Neeraj Kumar Gupta, Adv.

versus

GOVT. OF NCT OF DELHI AND ORS.Respondents
Through: Ms. Avnish Ahlawat, Standing
Counsel with Mr. Nitesh Kumar Singh,
Ms. Laavanya Kaushik, Ms. Aliza Alam and
Mr. Mohnish Sehrawat, Advs.



+ W.P.(C) 4929/2019, CM APPL. 21908/2019 & CM APPL. 21909/2019

DR. RADHA DUBEYPetitioner
Through: Mr. Rakesh K. Khanna, Sr.
Adv. with Mr. Shree Prakash Sinha,
Mr. Rakesh Mishra and Mr. Rishabh Kumar,
Advs.

versus

GOVT. OF NCT OF DELHI AND ORS.Respondents
Through: Ms. Avnish Ahlawat, Standing
Counsel with Mr. Nitesh Kumar Singh,
Ms. Laavanya Kaushik, Ms. Aliza Alam and
Mr. Mohnish Sehrawat, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

18.02.2025

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**W.P.(C) 1265/2018, W.P.(C) 4705/2018, W.P.(C) 5221/2018,
W.P.(C) 10928/2019, W.P.(C) 167/2019 & W.P.(C) 4929/2019**

1. Mr. Gupta has commenced his submissions in WP(C) 5221/2018.

2. At the outset, Mr. Gupta points out that the writ petitioners in WP(C) 5221/2018 were the applicants before the Central Administrative Tribunal¹ in OA 238/2015. There were two issues involved in the OA; one with respect to seniority and one with respect to pensionary benefits. The Tribunal granted pensionary benefits to the applicant-petitioners but rejected the prayer for seniority. Mr.

¹ "Tribunal" hereinafter



Gupta submits that there is no challenge, by the respondent, to the judgment of the Tribunal in OA 238/2015. WP(C) 5221/2018 has been preferred by the applicants in that OA challenging the rejection of their prayer for seniority.

3. As such, Mr. Gupta submits that as there has been no challenge by the respondent-GNCTD to the judgment of the Tribunal *qua* OA 238/2015, they would be required to implement the said order to the extent it grants pensionary benefits to the petitioners.

4. He relies, for this purpose, on *State of Rajasthan v Nemi Chand Mahela*², *Union of India v Madras Telephone SC & ST Social Welfare Association*³ and *Neelima Srivastava v State of Uttar Pradesh*⁴

5. Mrs. Ahlawat, who appears for the GNCTD, is directed to take instructions on this aspect before the next date.

6. Re-notify all these matters on 24 February 2025 in the supplementary list.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

FEBRUARY 18, 2025/ar

[Click here to check corrigendum, if any](#)

² (2019) 14 SCC 179

³ (2006) 8 SCC 662

⁴ (2021) 17 SCC 693