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

CNR No. DLHC010137162025

+ **W.P.(C) 3351/2025 & CRL.M.A. 64621/2026**

ZEBA JAMIL & ORS. Petitioners

Through: **Mr. Bankey Bihari, Advocate**
alongwith P-2 in Person.

versus

**TRIBAL COOPERATIVE MARKETING DEVELOPMENT
FEDERATION OF INDIA LIMITED (TRIFED)** Respondent

Through: **Mr. Sumit Teterwal, Advocate.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **21.09.2026**

CM APPL. 64620/2026 (for early hearing) & W.P.(C) 3351/2025

1. The petitioners have filed CM APPL. 64620/2026 for advancement of the date of hearing of the captioned petition, which is next scheduled to be listed on 08.12.2026.
2. Mr. Bankey Bihari, learned counsel for the petitioners, submits that in another writ petition filed by similarly placed employees of the respondent - Tribal Cooperative Marketing Development Federation of India Limited ["TRIFED"], this Court has delivered a judgment dated 08.09.2026 with certain directions. Mr. Bihari seeks the same directions as granted to the petitioners in the aforesaid judgment of *Saroj Kumar Nayak & Ors. v. Tribal Cooperative Marketing Development Federation of India Limited (TRIFED)* [W.P.(C) 4417/2025, decided on 08.09.2026] [hereinafter, "*Saroj Kumar*"]



Nayak”].

3. Mr. Sumit Teterwal, learned counsel for the respondent, is also present and with his consent, W.P.(C) 3351/2025 is taken on Board.

4. The reliefs sought in the present writ petition, as amended, are as follows:

“a. to set aside and quash the implied and constructive termination/removal of the petitioners effected by the respondent through administrative action and deliberate inaction, whereby petitioner no. 1 was illegally prevented from joining duty with effect from 09th July 2025, petitioner no. 2 from 13th august 2025, and petitioner nos. 3 and 4 from 05th July 2025, and direct the respondent to reinstate all the petitioners on their respective posts with continuity of service and all consequential benefits and.*

a. issue a writ in the nature mandamus or any other suitable writ or direction or order directing the respondent to regularize the Petitioners in their respective posts from the date of initial appointments with consequential reliefs as admissible to the regular employees of the Respondent; and

b. Any other relief, as this Hon'ble Court may deem fit and proper in the interest of justice.”

5. *Saroj Kumar Nayak* was filed by other employees of TRIFED, in which they had sought similar reliefs, except that factually their “*constructive termination/removal*” took place in the months of May and July 2025, whereas similar action was taken against the present petitioners in the months of July and August 2025.

6. Mr. Bihari submits that there is one difference between the case decided by this Court in *Saroj Kumar Nayak* and the present case, which is that the petitioners in *Saroj Kumar Nayak* had earlier approached this Court by way of W.P.(C) 5453/2020, which was dismissed on 21.06.2021, and culminated in an order of the Supreme Court dated 12.11.2021 in SLP(C) No. 17377/2021. He submits that, in contrast, the petitioners in the present



writ petition have come to this Court for the first time. Mr. Bihari, nonetheless, submits that this writ petition be disposed of on the basis of the directions as contained in the judgment of *Saroj Kumar Nayak*.

7. The directions of this Court in *Saroj Kumar Nayak* case reads as follows:

“49. In view of the above discussion, the petition is disposed of with the following directions:

(a) The cessation of the Petitioners’ engagements upon expiry of their respective contractual periods in May and July 2025 is set aside. TRIFED shall, within four weeks from today, restore the Petitioners to service on the posts last held by them, or the corresponding posts under the present nomenclature, on the same contractual footing as immediately preceding the expiry of their last extensions.

(b) The restored contractual engagement shall continue until the decision on the Petitioners’ claim for prospective regularisation, directed below, is taken and communicated to them.

(c) TRIFED shall, within three months from today, place the cases of all four Petitioners before the competent authority for fresh consideration of their claim for prospective regularisation. The exercise shall be undertaken in light of the observations made above and the law as it presently stands, and shall culminate in a reasoned decision.

(d) If the Petitioners are found entitled to regularisation, their contractual engagement shall continue without interruption until orders giving effect to that decision are issued. The regularisation shall operate prospectively and shall not disturb the seniority or other accrued rights of persons regularly appointed in the interregnum.

(e) If the claim for regularisation is rejected, the restored contractual engagement shall continue for a further period of four weeks from communication of the reasoned decision. The Petitioners shall thereafter be at liberty to pursue such remedy as may be available to them in law.

(f) The Petitioners shall not be entitled to back wages for the period between their discontinuance and restoration to service. That period shall, however, not be treated as a break in service for the limited purpose of considering their claim for prospective regularisation.

(g) The prayer for regularisation from the dates of the Petitioners’ initial appointments in 2010 is rejected.”

8. Mr. Teterwal submits that TRIFED is in the process of filing an appeal against the aforesaid judgment. However, he does not dispute that the



factual position of the present petitioners is no worse than that of the petitioners in *Saroj Kumar Nayak*. He clarifies that the aforesaid submission is subject to appropriate individual decision with regard to regularisation, which would have to be taken keeping in mind the position of service of each individual employee.

9. It is the admitted position that the petitioners' case is substantially similar to the case of the petitioners in *Saroj Kumar Nayak*; in fact, both cases were heard together from time to time.

10. In view of the above, the present petition, alongwith pending applications, is disposed of in terms of the directions in paragraph 49 of *Saroj Kumar Nayak*, with the modification that the months mentioned in paragraph 49(a) will read as "*July and August 2025*".

11. The next date of hearing already fixed, i.e. 08.12.2026, stands cancelled.

PRATEEK JALAN, J

SEPTEMBER 21, 2026

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