



2026:DHC:9136-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010464932023
+ W.P.(C) 14970/2023, CM APPL. 59808/2023 & CM APPL. 59809/2023
MUNICIPAL CORPORATION OF DELHI
AND ANR Petitioner

Through: Ms. Shivangi Kumar, Mr. Animesh Verma, Advs.

versus

PREM CHAND PANDEY Respondent
Through: Mr. Tarun Sharma, Mr. Abid Ali, Mr. Manek Sharma and Mr. Kartik Sharma, Advs.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MS. JUSTICE NIVEDITA ANIL SHARMA

ORDER (ORAL)
12.10.2026

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C. HARI SHANKAR, J.

1. The respondent was employed with the North Delhi Municipal Corporation¹ (now the Municipal Corporation of Delhi) on casual/daily wage basis with effect from 19 September 1988. His services were terminated on 19 August 1989. Aggrieved thereby, the respondent approached the learned Labour Court by way of CLA 431/2006. By order dated 29 March 2007, the learned Labour Court dismissed the CLA. Challenging the said decision, the respondent



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approached this Court by way of WP (C) 7626/2007. This Court disposed of the writ petition by judgment dated 9 October 2007, from which paras 11 and 13 may be extracted as under:

“11. Counsel for the Petitioner, on instructions, from the petitioner, who is present in court, states that he gives up his claim for regularization. He further states that he also does not seek any compensation for the interim period since the petitioner has admittedly been engaged in some temporary stop gap arrangement during the pendency of these proceedings and after his services were illegally terminated.

13. Under the circumstances, and for all the aforesaid reasons, the impugned order of the tribunal is set aside. The respondent is directed to reinstate the petitioner in service within one month from today. *He shall be deemed to be in continuing service on the same terms and conditions under which he was initially employed on 19.09.1988.* He shall, however, be not entitled to any compensation or back wages for the intervening period.”

(Emphasis supplied)

2. The NDMC did not pass any order by way of compliance with the direction issued by this Court in para 13 of its judgment. This prompted the respondent to reapproach the Central Administrative Tribunal² by way of OA 283/2018, which was disposed of by the Tribunal, with a direction to the NDMC to consider the respondent's representation dated 4 December 2017. The representation was thereafter rejected by the NDMC by order dated 22 November 2018. Aggrieved thereby, the respondent re-approached the Tribunal by OA 2324/2019.

3. The claim of the respondent before the Tribunal was that the

Signature Not Verified² “Tribunal” hereinafter

Signed By: YOGESH W.P.(C) 14970/2023
KUMAR
Signing Date: 15.10.2026
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NDMC had erred in regularising his service only with effect from 2 March 2011. He claimed that he was entitled to regularisation with effect from the date when other persons who had been appointed with him on casual/daily wage basis with effect from 1 April 1995 were regularised.

4. The Tribunal has, by judgment dated 21 April 2023, allowed OA 2324/2019 in the following terms:

“9. For the reasons stated hereinabove, the OA is allowed. The respondents are directed to ante-date applicant’s regularization from 01.03.2011 to a date on which his counterparts, who had been engaged on daily wage basis between 01.04.1988 and 31.03.1990. The respondents are further directed to fix the seniority of the applicant, at an appropriate place above the juniors of the applicant so regularised in the seniority list maintained by them for daily wage casual labourers.

10. The exercise, as ordained above, be completed by the respondents within a period of eight weeks from the date of receipt of a certified copy of this order.

There shall be no order as to costs.”

5. Aggrieved thereby, the petitioner has approached this Court by means of present writ petition.

6. We have heard Ms. Shivangi Kumar, learned counsel for the Petitioner.

7. Ms. Kumar emphasizes, essentially, two factors, both of which emanate from para 11 of the order dated 9 October 2007 passed by this Court, reproduced in para 1 *supra*. The first is that the respondent had expressly given up his claim for regularisation. The second is that



the respondent admitted to have been gainfully employed during the period after his termination till he was reinstated following the order passed by the High Court.

8. Neither of these submissions, to our considered opinion, constitute a legitimate basis to interfere with the impugned judgment of the Tribunal.

9. In so far as the giving up of the claim for regularisation is concerned, that was in the context of the original industrial dispute which had been raised by the respondent, which formed subject matter of CLA 431/2006 and which travelled to this Court by way of WP (C) 7626/2007. Even after noting the said submission, this Court directed that the respondent would be reinstated in service and would be treated as in continuing in service on the same terms and conditions under which he was initially employed on 19 September 1988.

10. It is well-settled that a deeming fiction also deems all the consequences which flow from the fiction to exist. Once this Court deemed the respondent to continue in service on the terms and conditions under which he was initially employed on 19 September 1988, all consequences thereto would naturally follow, except compensation and back wages for the intervening period, which this Court expressly held the respondent would not be entitled to.

11. That very caveat, qua compensation and back wages, would imply that the respondent was entitled to all other benefits which would flow from his being treated as in continuous service from 19



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September 1988.

12. In that view of the matter, the respondent would also be entitled to be regularised with effect from the date on which the other persons, who had been employed on casual/daily wages by the NDMC with effect from 1 September 1988, akin to the respondent, were regularised.

13. The second submission of Ms. Shivangi Kumar, i.e. that the respondent was in gainful employment after he had been terminated, too, cannot derogate from his right to regularisation. The only consequence of the respondent having been in gainful employment would be that he would not be entitled to any back wages. It is obviously for that reason that the High Court declined to grant any back wages to the respondent. Even so, and at the cost of repetition, the High Court deemed the respondent to be in continuous service with effect from 19 September 1988.

14. As such, the fact that the respondent might have been employed elsewhere is of no particular significance, in so far as the date from which the respondent would be entitled to regularization is concerned.

15. The judgment dated 9 October 2007 of this Court in WP (C) 7626/2007 was apparently never challenged and has attained finality.

16. In that view of the matter, we find no error in the decision of the Tribunal to direct the respondent to be regularized with effect from the date when other persons employed on casual/daily wages along with



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him in 1988 were so regularized.

17. The writ petition therefore is devoid of merits and is accordingly dismissed with no orders as to costs.

C. HARI SHANKAR, J

NIVEDITA ANIL SHARMA, J

OCTOBER 12, 2026/rt