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

\+ **LPA 871/2015**

R N GARG ..... Appellant
Represented by: Mr.Awadhesh Kumar, Advocate

versus

GNCT OF DELHI & ORS ..... Respondents
Represented by: Mr.Satyakam, Advocate for GNCTD

LPA 872/2015

DR SAURABH PURWAR & ORS ..... Appellants
Represented by: Mr.Awadhesh Kumar, Advocate

versus

GNCT OF DELHI & ORS ..... Respondents
Represented by: Mr.Peeyoosh Kalra, Advocate with Mr.Ankit Khurana, Advocate for R-1 and R-4

LPA 873/2015

DR RAJENDRA KUMAR SONI & ORS ..... Appellants
Represented by: Mr.Awadhesh Kumar, Advocate

versus

GNCT OF DELHI & ORS ..... Respondents
Represented by: Mr.Peeyoosh Kalra, Advocate with Mr.Ankit Khurana, Advocate for R-1 and R-4

CORAM:
HON'BLE MR. JUSTICE PRADEEP NANDRAJOG
HON'BLE MR. JUSTICE V.KAMESWAR RAO

Signature Not Verified
Digitally Signed
By:AMULYA

ORDER

% **02.12.2015**

CM No.29118/2015 in LPA No.871/2015
CM No.29122/2015 in LPA No.872/2015
CM No.29126/2015 in LPA No.873/2015

Allowed subject to just exceptions.

CM No.29119-20/2015 in LPA No.871/2015
CM No.29123-24/2015 in LPA No.872/2015
CM No.29127-28/2015 in LPA No.873/2015

For the reasons stated in all application delay of filing and re-filing the three appeals is condoned.

The applications are allowed.

LPA No.871/2015, 872/2015 & 873/2015

1. LPA No.447/2015 which laid a challenge to the impugned order dated May 26, 2015, by which large number of writ petitions have been disposed of was decided by this Court vide order dated August 05, 2015, which reads as under:-

> *1. The appellants had sought regularization of their service and were relying upon a conscious decision taken by the governing counsel of the second respondent to regularize their service.*
>
> *2. During the pendency of the writ petition filed by the appellants, the Government of NCT of Delhi issued a circular on February 16, 2015 as per which all autonomous authorities under the Government of NCT of Delhi were directed not to disengage ad-hoc, temporary or contractual employees, pending decision to be taken as to in what manner these employees could be made permanent.*

3. In view of the circular dated February 16, 2015 the appellants sought leave of the Court to withdraw the writ petition but with a right to file a fresh petition on the same cause of action if for some reasons the Government of NCT of Delhi did not take to its logical conclusion its decision conveyed vide circular dated February 16, 2015.

4. The learned Single Judge has permitted the appellants to withdraw the writ petition in view of the circular dated February 16, 2015, but has declined leave to file a fresh petition seeking regularization.

5. In our opinion the learned Single Judge could not have firstly hedged the condition on which the appellants desired to withdraw the writ petition by dismissing the writ petition as withdrawn but declining permission to institute a fresh petition for the reason the offer to withdraw the writ petition was interlinked with the right to file a fresh petition if the Government did not take to its logical conclusion its decision conveyed vide circular dated February 16, 2015. Secondly for the reason once the Government itself took the decision that no ad-hoc, temporary or contractual employee would be disengaged from service till the Government took a decision on the issue of their services being regularized, the appellants were justified in withdrawing the writ petition with a right reserved in them to file a fresh petition seeking regularization if for some reasons the grievance subsisted.

6. We therefore dispose of the appeal setting aside the direction in the impugned order dated May 26, 2015 that the appellants would not be entitled to file a fresh petition seeking regularization. We dispose of W.P.(C) No.7942/2014 filed by the appellants as withdrawn with liberty granted to the appellants to file a fresh petition seeking regularization of his services if the cause of action continues to subsist.

7. *No costs.*

2. Instant appeals are also disposed of in terms of the order dated August 05, 2015 disposing of LPA No.447/2015.

3. Direction contained in paragraph 6 of the said order would apply to the writ petition filed by the appellants.

4. No costs.

PRADEEP NANDRAJOG, J.

V.KAMESWAR RAO, J.

DECEMBER 02, 2015
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