

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

Date of Order: November 17, 2017

+ **W.P.(C) 10144/2017 & C.M.41422/2017**

PANKAJ KUMAR AND ORS Petitioners
Through: Mr. Sachin Chauhan, Advocate

versus

GOVT OF NCT OF DELHI AND ORS Respondents
Through: Mr. Sanjoy Ghose, ASC & Mr.
Rhishabh Jetli, Advocate for respondent-
GNCTD
Mr. Parvinder Chauhan, Advocate for
respondents No.2 & 3

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. The 33 petitioners in this petition are the muster roll employees working in respondent-Board for last more than one decade. Petitioner No.2—*Sunil Kumar Mishra* had sought regularization and the Superintending Engineer (Coordn.) of respondent-Board had intimated petitioner No.2 on 12th March, 2015 that the request for regularization of 59 muster roll employees working in respondent-Board is being put up to higher authorities for in principal approval to process the case for regularization of muster roll employees and to put up before the Competent Authority for approval. According to petitioners' counsel,

nothing has happened after respondent's Communication of 12th March, 2015 (*Annexure P-20*) despite sending of reminders.

2. Learned counsel for petitioners submits that a comprehensive Representation (*Annexure P-1*) has been made to the Chief Executive Officer of respondent-Board on 18th September, 2017 by petitioner No.2 and the case of remaining petitioners is at par with case of petitioner No.2 and nothing has been heard from respondents.

3. Learned counsel for respondent-Board submits that the Standing Committee Resolution of the year 1988 (*Annexure P-3*) no longer holds the field in view of Supreme Court's Constitution Bench decision in *Secretary, State of Karnataka v. Umadevi (3) & Others*, (2006) 4 SCC 1. However, it is submitted that if petitioner No.2 has made any Representation (*Annexure P-1*), then it would be duly considered by the Chief Executive Officer of respondent-Board.

4. In view of aforesaid, this petition is disposed of with direction to respondent-Board that if second respondent has received the Representation (*Annexure P-1*), then it be considered and decided by a speaking order within a period of 12 weeks from today and the fate of this Representation be made known to petitioner No.2 within two weeks thereafter so that second petitioner may avail of the remedies as available in law, if need be.

5. It is made clear that the directions made in this order are confined to petitioner No.2 for the reason that petitioners' counsel took a stand that whatever decision would be taken on the Representation (*Annexure P-1*) of petitioner No.2, it would hold good in case of remaining petitioners. This is not disputed by respondents' counsel but with a rider that if the

case of remaining petitioners is at par with petitioner No.2, then certainly the decision on the Representation will accrue to their benefit as well.

6. With aforesaid observations, this petition and the application stand disposed of.

(SUNIL GAUR)
JUDGE

NOVEMBER 17, 2017

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